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LAW TRACTS,

IN TWO VOLUMES,

By

WILLIAM BLACKSTONE, ESQ.

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CONTENTS OF THE SECOND VOLUME,

**THE GREAT CHARTER, ETC. WITH THE
HISTORICAL INTRODUCTION.**

THE
GREAT CHARTER
AND
CHARTER OF THE FOREST,
WITH OTHER
AUTHENTIC INSTRUMENTS:
TO WHICH IS PREFIXED
AN INTRODUCTORY DISCOURSE,
CONTAINING
THE HISTORY OF THE CHARTERS.

INTRODUCTION.

THERE is no transaction in the ancient part of our english history more interesting and important, than the rise and progress, the gradual mutation, and final establishment of the charters of liberties, emphatically stiled THE GREAT CHARTER and CHARTER OF THE FOREST; and yet there is none that has been transmitted down to us with less accuracy and historical precision. There is not hitherto extant any full and correct copy of the charter granted by king John, M. Pine's engraving excepted, which, on account of the antiquity of it's character, is not fitted for general perusal: and the charters of king Henry the third have always been printed, even in our statute-books, not from the originals themselves, but from an *Inspeximus* of king Edward the first. This want of authentic materials, or neglect of recurring to such as might be easily had, (of which the foregoing are two very glaring instances) has often betrayed

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trayed our very best historians and most painful antiquarians into gross and palpable errors, as will in some measure appear from the following deduction; to adjust and remedy which, as well as our remaining evidences and the distance of five centuries will allow, is the principal end of the present publication.

WHAT therefore the reader may expect in the following sheets is an authentic and correct edition of THE GREAT CHARTER and CHARTER OF THE FOREST, with some other auxiliary charters, statutes, and corroborating instruments; carefully printed from the originals themselves, or (where those are not at present in being) from cotemporary inrollments and records. And herein it will be proper to begin with the original articles or heads of agreement at the congress in Runnymede in the fifteenth year of king John, whereupon his great charter was founded; and to trace them, though their several variations and amendments during the infancy of king Henry the third, to the dangers which they underwent and the timely supports which they received during his riper age; and at length to their final and peaceful establishment in the twenty ninth year of king Edward

ward the first. These will be illustrated, in the following introductory discourse, by such facts and records as have fallen within the observation of the editor; who hopes he shall be able to ascertain the history of this interesting branch of our laws with some little degree of exactness. But it is not in his present intention, nor (he fears) within the reach of his abilities, to give a full and explanatory comment on the matters contained in these charters. This, he hopes, and has reason to believe, has long been meditated, and is in part already executed, by a gentleman whose learning, experience, and abilities are every way suited to the performance: and is a work, which, when properly executed, must include little less than a complete history of the feudal tenures, so far as they were received in this kingdom; together with an exact and comprehensive view of our antient constitution in ecclesiastical matters as well as in civil government.

WITH regard to the original of THE GREAT CHARTER, Matthew Paris (or rather Roger Wendover^a) hath recorded a tradition

^a The former part of the history which goes under the name of Matthew Paris, to the year 1235, is supposed to have been written by Roger

Wendover; though, in compliance with custom, it will generally be here referred to as the work of Matthew Paris.

that

that it was formed upon the accidental discovery of that granted by king Henry the first. To this end he relates, that on the 20th of July 1213, when king John was absolved at Winchester by archbishop Langton from the excommunication under which he laboured, he was sworn to abolish such laws as were unjust, and to restore the good laws of king Edward; and that on the 4th of August following, in a council holden at S. Alban's, it was commanded on the part of the king that the laws of king Henry should be observed. He farther relates, that at a meeting of the prelates and nobility at S. Paul's on the 25th of August the archbishop privately informed them, that he had found a certain charter of king Henry the first, by which (if they pleased) they might re-establish their antient liberties: upon reading and understanding of which the barons, being greatly rejoiced, bound themselves with an oath in the presence of the archbishop, that whenever an opportunity offered they would contend for those liberties even to death itself. The same charter, he tells us, was produced a twelve-month afterwards at the meeting of the earls and barons at S. Edmund's Bury; where they all swore at the high altar to make war upon the king, if he refused to grant them the liberties

erties therein contained : and that accordingly they demanded of their sovereign a confirmation of that very charter, when they addressed him in a menacing manner at Christmas following. He, lastly, relates that the king, having obtained a respite till after Easter to consider of their demands, desired then to be informed what laws and liberties they were which they so earnestly required ; whereupon they sent him a schedule, partly consisting of the articles of king Henry's charter, and partly of other laws of king Edward, upon which he insinuates that the great charter was afterwards formed. This traditional account has been adopted by all our modern historians ; and from thence too sir Roger Twysden^b apprehends, that this charter of king Henry the first may be called the basis and foundation of the subsequent great charter of liberties.

It must be acknowledged, that very many of the articles, contained in the charter of king Henry the first, were in substance afterwards repeated in that of king John ; as will appear by a comparison of the latter, in the present edition, with the former as inserted

^b Lamb. *Archæologia*, 157.

in the notes^c. Yet it cannot but seem very extraordinary, that since Matthew Paris him-

^c Matthew Paris has twice recited this charter of king Henry the first. (*A.D.* 1100 and 1213.) There are also two copies of it entered in the red book of the exchequer at Westminster, one of which is prefixed to king Henry's laws published by Lambard (*Archæionom.* 175.) and Wilkins. (*LL. Anglo-Sax.* 233.) It is likewise printed in Richard of Hagustald's history of king Stephen. (310.) But the following copy is taken from the *Textus Roffensis* published by Hearne; (c. 34. p. 51.) which is acknowledged to be the most antient of any, the book being compiled by Ernulf bishop of Rochester, who died *A.D.* 1114. The proëme, as well as the conclusion, are materially different in the several copies we have of it; but the body of the charter is in most respects much the same.

Institutiones Henrici regis.

Anno incarnationis dominice MCI
Henricus filius Willelmi regis post obitum fratris sui Willelmi Dei gracia rex Anglorum omnibus fidelibus salutem
Sciatis me Dei misericordia et communi consilio baronum totius regni Anglie ejusdem regem coronatum esse Et quia regnum oppressum erat injustis exactionibus ego Dei respectu et amore quem erga vos habeo sanctam Dei ecclesiam inprimis liberam facio ita quod nec vendam nec ad firmam ponam nec mortuo archiepiscopo sive episcopo sive abbate aliquid accipiam de dominico ecclesie vel de hominibus ejus donec successor in eam ingrediatur Et omnes malas consuetudines quibus regnum Anglie injuste opprimebatur inde aufero quas malas consuetudines ex parte hic pono Si quis baronum comitum meorum

sive aliorum qui de me tenent mortuus fuerit heres suus non redimet terram suam sicut faciebat tempore fratris mei sed iusta et legitima relevatione relevabit eam Similiter et homines baronum meorum iusta et legitima relevatione relevabunt terras suas de dominis suis Et si quis baronum vel aliorum hominum uxorum filiam suam nuptum tradere voluerit sive sororem sive neptim sive cognatam mecum inde loquatur sed neque ego aliquid de suo pro hac licentia accipiam neque defendam ei quin eam det excepto si ea vellet jungere inimico meo Et si mortuo barone sive alio homine meo filia heres remanserit illam dabo consilio baronum meorum cum terra sua Et si mortuo viro uxor ejus remanserit et sine liberis fuerit dotem suam et maritacionem habebit et eam non dabo marito nisi secundum velle suum Si vero uxor cum liberis remanserit dotem quidem et maritacionem habebit dum corpus suum legitime servaverit et eam non dabo nisi secundum velle suum Et terre et liberorum custodes erit sive uxor sive alius propinquarius qui iustius esse debeat Et precipio quod barones mei similiter se contineant erga filios et filias vel uxores hominum suorum Monetagium commune quod capiebatur per civitates et comitatus quod non fuit tempore regis Eduardi hoc ne amodo sit omnino defendo Si quis captus fuerit sive monetarius sive alius cum falsa moneta iusticia recta inde fiat Omnia placita et omnia debita que fratri meo debebantur condono exceptis rectis firmis meis et exceptis illis que pacta erant pro aliorum hereditatibus vel pro eis rebus que iustius aliis contingebant Et si quis hereditate sua aliquid pepigerat

self informs us, that copies of king Henry the first's charter were sent (*A. D. 1100*)

gerat illud condono et omnes relevationes que pro rellis hereditatibus pacis fuerant fit si quis baronum vel hominum meorum infirmabitur sicut ipse dabit vel dare disponet pecuniam suam ita datam esse concedo Quod si ipse preventus armis vel infirmitate pecuniam suam non dederit vel dare disposuerit uxor sua sive liberi aut parentes et legitimi homines ejus eam pro anima ejus dividant sicut eis melius visum fuerit Si quis forisfecerit non habet vadium in misericordia pecunie sicut faciebat tempore patris mei vel fratris mei sed secundum modum forisfacti ita emendabit sicut emendasset retro a tempore patris mei in tempore aliorum antecessorum meorum Quod si perfidie vel scelcris convictus fuerit sicut justum fuerit sic emendet Murdra etiam retro ab illo die qua in regem coronatus fui omnia condono Et ea que amodo facta fuerint jussu emendentur secundum legem regis Eduuardi Forestas omni consensu baronum meorum in manu mea retinui sicut pater meus eas habuit Militibus qui per loricas terras suas defendunt terras dominicarum carrucarum suarum quietas ab omnibus gildis et omni opere proprio dono meo concedo ut sicut tam magno allevamine alleviati sint ita se equis et armis bene instruant ad servitium meum et ad defensionem regni mei Pacem firmam in toto regno meo pono et teneri amodo precipio Legem Eduuardi regis vobis reddo cum illis emendationibus quibus pater meus eam emendavit consilio baronum suorum Si quis aliquid de rebus meis vel de rebus alicujus post obitum Willelmi regis fratris mei cepit totum cito sine emendatione reddatur et si quis inde aliquid retinuerit ille super

quem inventum fuerit michi graviter emendabit Testibus M. Lundonie episcopo et Gundulfo episcopo et Willelmo electo episcopo et Henrico comite et Sim' comite et Waltero Giffardo et Roberto de Montfort et Rogero Bigoto et Henrico de Portu apud Londoniam quando fui coronatus.

To this it may not be amiss to subjoin the charters of king Stephen and king Henry the second, in order to throw together in one view the several grants of liberties which have been made by our antient monarchs, since the conquest and prior to the great charter of king John. Of king Stephen's there are two extant; one of which is said, in a MS collection of charters by sir Symonds Dewes, (*Hartl. MSS. num. 311. fol. 243.*) to be entered in the red book of the exchequer at Westminster; but upon a diligent search was not to be met with therein: a copy of it however is preserved in an antient MS in the Cotton library, (*Claud. D. 2. fol. 75.*) which is as follows;

Stephanus Dei gratia rex Anglie justiciariis vicecomitibus baronibus et omnibus ministris et fidelibus suis Francis et Anglicis salutem Sciatis me concessisse et presenti carta confirmasse omnibus baronibus et hominibus meis de Anglia omnes libertates et bonas leges quas Henricus rex Anglie avunculus meus eis dedit et concessit et omnes bonas leges et bonas consuetudines eis concedo quas habuerunt tempore regis Eduuardi Quare volo et firmiter precipio quod habeant et teneant omnes illas bonas leges et libertates de me et hereditibus meis ipsi et heredes sui libere quiete et plenarie et prohibeo ne quis

to all the counties in England, and deposited in the principal monasteries; since the same

quis eis super hiis molestiam vel impedimentum vel diminutionem faciat super forisfacturam meam Teste Willielmo Martel apud London.

The other, which chiefly respects ecclesiastical matters, is somewhat longer; and is not only recited by Richard of Haguftald, the historian of this prince, (314.) but the original itself under seal was formerly in the hands of M. Hearne; (*Not. ad Guil. Neubrig. 711.*) though what is now become of it is uncertain. The following is the copy which he gives of it.

Ego Stephanus Dei gratia assensu cleri et populi in regem Anglorum electus et a Willelmo Cantuariensi archiepiscopo et sancte Romane ecclesie legato consecratus et ab Innocentio sancte Romane sedis pontifice postmodum confirmatus respectu et amore Dei sanctam ecclesiam liberam esse concedo et debitam reverentiam illi confirmo Nichil me in ecclesia vel rebus ecclesiasticis simoniace acturum vel permissurum esse promitto Ecclesiasticarum personarum et omnium clericorum et rerum eorum justiciam et potestatem et distributionem honorum ecclesiasticorum in manu episcoporum esse perhibeo et confirmo Dignitates ecclesiarum privilegiis earum confirmatas et consuetudines earum antiquo tenore habitas inviolate manere statuo et concedo Omnes ecclesiarum possessiones et tenuras quas die illa habuerunt qua Willelmus avus meus rex Angl' fuit vivus et mortuus sine omnium calumpniantium reclamacione eis liberas et absolutas esse concedo Si quid vero de habitis vel possessis ante mortem ejusdem regis quibus modo careat ecclesia deinceps repeccerit indulgentie et dispensationi mee vel resti-

tucndum vel discuticndum reservo Quecunque vero post mortem ipsius regis liberalitate regum largitione principum oblatione comparacione vel qualibet transmutatione fidelium eis collata sunt confirmo Pacem et justiciam me in omnibus facturum et pro posse meo conservaturum eis promitto Forestas quas Willelmus rex avus meus et Willelmus secundus avunculus meus instituerunt et tenuerunt mihi reservo Ceteras vero omnes quas Henricus rex superaddidit ecclesiis et regno quietas reddo et concedo Si quis episcopus vel abbas vel alia ecclesiastica persona ante mortem suam sua rationabiter distribuerit vel distribuenda statuerit firmum manere concedo. Si vero morte preoccupatus fuerit pro salute anime ejus ecclesie consilio eadem fiat distributio Dum vero sedes propriis pastoribus vacue fuerint ipse et omnes earum possessiones in manu et custodia clericorum vel proborum hominum ejusdem ecclesie committantur donec pastor canonice substituatutur Omnes exactiones et injusticias et mescheningas sive per vicecomites vel alios quoslibet male indutas funditus extirpo Bonas leges et antiquas et justas consuetudines in murdris et placitis et aliis causis observabo et observari precipio et constituo Hec vero omnia concedo et confirmo salva regia et justa dignitate mea T. W. archiepiscopo Cant' et H. archiepiscopo Roth' et H. episcopo Wint' et R. episcopo Sar' et A. episcopo Linc' et E. episcopo Norwic' et S. episcopo Wirc' et B. episcopo sancti David' et A. episcopo Ebr' et R. episcopo Abr' et R. episcopo Heref' et Jobanne episcopo Rouce' et A. episcopo Carl' et R. Canc' et H. nep' reg' et R. de Fisc' et R. comite Glouc'

was expressly confirmed by his grandson king Henry the second, as appears from his charter below; and since the laws of king Henry the first were commanded to be observed by king John's own authority, on the 4th of August; this charter should notwithstanding have been so totally forgotten by all the prelates and barons assembled at S. Paul's, within three weeks afterwards, that it's discovery by the archbishop should be a matter of such novelty and triumph: nay, that the king himself, at Easter 1215, should want information what those laws and liberties were, that were then so earnestly demanded of him. Nor indeed, if this charter was thus uppermost in the

Gloce' et W. comite War' et R. comite Cestr' et R. comite Warwic' et Roberto de Ver' et M. Gloce' et B. filio Com' et R. de Oilli conest' et Willelmo Mart' et H. Big' et V. de Bub' et S. de Belloc' dap' et W. de Alb' et Eud' Mart' Linc' et R. de Ferr' et Willelmo Penr' et S. de sancto Licio et W. de Albani' et P. filio Job' et H. de sancto Claro et J. de Lauceio Apud Oxen' anno dominice incarnationis M.C.XXXVI. in communi concilio.

The charter of king Henry the second is entered in the red book of the exchequer, from which the following copy is exactly printed;

Henricus Dei gratia rex Anglie dux Normannie et Aquitanie comes Andegavie baronibus et fidelibus suis Francis et Anglicis salutem Sciatis me ad honorem Dei et sancte ecclesie et pro communi

emendatione totius regni mei concessisse et reddidisse et presenti carta mea confirmasse Deo et sancte ecclesie et omnibus comitibus et baronibus et omnibus hominibus meis omnes consuetudines quas Henricus avus meus eis dedit et concessit Similiter etiam omnes malas consuetudines quas ipse delevit et remisit ego remitto et deleri concedo pro me et heredibus meis Quare volo et firmiter precipio quod sancta ecclesia et omnes comites et barones et omnes mei homines omnes illas consuetudines et donationes et libertates et liberas consuetudines habeant et teneant libere et quiete bere et in pace et integre de me et heredibus meis sibi et heredibus suis adco libere et quiete et plenarie in omnibus sicut rex Henricus avus meus eis dedit et concessit et carta sua confirmavit Teste Ricardo de Luci.

minds

minds of the barons, can we at all account for their forgetfulness at the congress of Runingmede; the name of king Henry the first not once occurring in the *capitula*, or rough draught, of the great charter; nor even in the charter itself. It is possible however that, though the circumstances with which it is embellished are very suspicious and improbable, yet the story itself may so far have a foundation in truth, that the recollection and remembrance of the charters which the king's predecessors had granted, might suggest to the prelates and barons the propriety of demanding another; and might teach them the greater expedience of having the liberties which they claimed openly set down in writing, than of relying on the general terms of the oath which the king had just taken at Winchester.

FOR it is agreed by all our historians that the great charter of king John was for the most part compiled from the antient customs of the realm, or the laws of king Edward the confessor; by which they usually mean the old common law, which was established under our saxon princes, before the rigors of feudal tenure and other hardships were imported from the continent by the kings of the
norman

norman line. But the immediate occasion of demanding a restitution and confirmation of these liberties, at this particular time, is somewhat difficult to be certainly known. Matthew Paris, we see, attributes it to the sudden discovery of the long-lost charter of king Henry the first. Knyghton, Hemingford, and Robert of Gloucester agree in asserting that the king's inordinate debauchery was the cause of these civil dissensions; and the two former have given us a particular account of the plot laid by the king to vitiate the wife of Eustace de Vescei, a principal baron of those times, who thereupon (it is said) stirred up the other barons to assert their liberties by force of arms. And this receives some countenance, not only from the testimony of a cotemporary writer^d, who informs us that the king had caused that nobleman and Robert Fitzwalter to be outlawed, had

^d Ralph of Coggeshale; who wrote a continuation of an antient chronicle, which has never yet been printed in England. There are extant two MSS of this chronicle, which begins *A. D.* 1066, and was originally compiled by Ralph Niger a monk of the abbey of Coggeshale; one in the Cotton library, (*Vespas. D. 10.*) the other in the heralds' office among the duke of Norfolk's collection; (numb. 11.) in both of which at the year 1207 is the fol-

lowing entry: *Obiit dominus Thomas abbas v^{us} de Cogesh', cui successit dominus Radulfus monachus ejusdem loci, qui hanc cronicam a captione sancte crucis usque ad annum undecimum Henrici regis iij filii regis Johannis descripsit.* Two imperfect fragments of this chronicle, from a MS in the library of S. Victor at Paris are printed in the fifth volume of *Veterum Scriptorum et Monumentorum Collectio* by Martene and Durand. *Par.* 1729. fol. 201 & 271.

seised their lands, and had demolished their castles; but also from a mandate, which was sent by pope Innocent the third to Eustace de Vescei, 5 November 1214, and is preserved in Rymer's *Foedera*^c, requiring him to cease from troubling the king by any farther confederacies or conspiracies against him, since the differences between the kingdom and the priesthood were now providentially allayed. But the annals of Waverley, (which are also apparently cotemporary with these tumults) besides the oppression and incontinence of the king himself, ascribe the anger of the barons to the ill use which Peter bishop of Winchester, who in 1213^f was constituted chief justiciary, made of his newly acquired power during the absence of king John in France. And this appears the more probable, because the nobility were from the first extremely disgusted at his promotion, taking it very ill that a foreigner should be preferred above them all^g; and because in the great charter we find the power of the chief justiciary considerably curbed in many instances, and a strong innuendo given^h that the officers of justice had been deficient in the knowlege, or at least in the observance of the laws of the

^c 1 Rym. 195.^f *H.J.* :81.^g R. de Coggesh.^h *cap.* 45.

land. Possibly indeed these motives did all of them concur to animate the conduct of the discontented barons: domestic injuries received from the king in person, coupled with some gross acts of national oppression by his minister, might whet their private resentment as well as rouse their public spirit, to demand a new security against such tyrannical proceedings for the future.

BUT whatever were the provocations that ^{A.D. 1214.} incited them, it appears that a league of the ^{16 Feb.} barons was formed at S. Edmund's Buryⁱ, towards the close of the year 1214, when they assembled together under pretence of devotion, and therefore probably (as M. Carte has conjectured^k) on the 20th of November, which was S. Edmund's day. They there solemnly swore upon the high altar, to wage war with the king, and withdraw themselves from his fealty, till he should confirm by a charter under seal the several liberties which they demanded: and to that end they engaged, to go in a body to the king immediately after Christmas to make their request in form, and in the mean time to provide themselves with horses and arms, that (in case he receded from his former engagements) they might

ⁱ Matth. Paris.

^k 1 Hist. of Engl. 828.

compel

A.D. 1214. ^{16 Feb.} compel him to give them satisfaction by attacking his castles.

ACCORDINGLY, on the day of the Epiphany¹, they came to the king at London, in a manner that seemed to denounce hostilities in case of opposition^m, and demanded a confirmation of the liberties which they so often had claimed. John at first made a shew of resistance, absolutely refused their demands, and endeavoured to extort a promise from the barons that they would never renew this request: but, finding them resolute in their purpose, he thought it best to gain time; and therefore at length it was agreed that the king's answer should be respited till the close of Easter.

IN the mean time both parties took their several measures to accomplish the very different ends which they had in view. The king, in order to gain the churchmen to his interests, gave up by a charter (dated the 15th of Januaryⁿ) to all the monasteries and cathedrals in the kingdom the free right of electing their prelates, reserving only the form of a *conge d'elire* beforehand, and of the royal as-

¹ 1 Rym. 185.

^m Matth. Paris.

ⁿ Matth. Paris, W. Thorn. 1 Rym. 198.

sent afterwards; but expressly declaring that, ^{A.D. 1214.}
 if both or either were arbitrarily withheld by ^{16 Job.}
 the crown, the election notwithstanding should
 be valid°. This charter he immediately trans-
 mitted to Rome by an agent of his, one W.
 Mauclore, who arrived there on the 17th of
 February. The barons also dispatched Eustace
 de Vesci, and one or two more, to make good
 their story to the pope; and to implore the
 interposition of his holiness, as the feudal
 lord of the kingdom, in order to admonish
 and (if necessary) to compel his royal vassal to
 the faithful observance of those antient liber-
 ties, which had been confirmed by the char-
 ters of his ancestors, and the oath of the king
 himself. These ambassadors arrived at Rome
 on the 28th of February following^p. The
 king also, farther to insure both himself and
 his possessions from violence, on the 2^d of
 February^q took upon him the cross and vow-
 ed an expedition to the holy land against the
 infidels: it being, according to the romantic

° In 1 Wilk. *Concil. M. B.* 545, there is a transcript of this charter from the register of the church of Canterbury, dated 21 Nov. 1214; about the same time that the king granted to the archbishop of Canterbury the entire and absolute patronage of the bishoprick of Rochester. (2 Pryn. Rec. 339.) It is possible therefore that this grant,

of 15 January, might be only a re-sealing or fresh promulgation of the former charter, for the purpose of transmitting it to the pope.

p 1 Rym. 184.

q According to Matth. Paris; but Matth. Westm. and T. Wykes say it was the 4th of March.

A.D. 1214.
16 Feb.
superstition of the times, to the highest degree profane and irreligious to offer any personal insult to such heroical votaries, or even to attack their property. But this fit of devotion, arising more from his apprehensions than his zeal, proved very ineffectual to his purposes; since archbishop Langton was, though secretly, at the head of the confederacy against him.

A.D. 1215.
17 Feb.
THE pope however, willing to favour his new vassal, (whose charter concerning elections he accepted very graciously, and confirmed on the 30th of March¹;) sent letters to the bishops and barons² dated the 19th of March, 1214; disapproving of the conduct of the latter, in endeavouring to extort by force what they rather should have requested with reverence, and exhorting the former to interpose their good offices, in order to preserve the peace of the kingdom; to which end he concluded with recommending it to the king to deal graciously with his nobles, and to grant them their just petitions.

THESE letters did not arrive till after Easter, which happened this year on the 19th of

¹ Rym. 197.

² *Ibid.* 198.

April³,

April¹, and was the time when the king had engaged to give in his answer to the barons. *A.D. 1215,
17 Feb.*
They therefore in the Easter-week, before the receipt of the pope's letters^u, assembled at Stamford in Lincolnshire with a numerous army of their dependants, among whom were reckoned no less than two thousand knights; and from thence marched to Brackley in Northamptonshire on Monday the 27th of April; the king being then about fifteen miles distant, at Oxford. Upon news of their approach the king sent to them the archbishop, the earl of Pembroke, and some others, to learn an exact account of the laws and liberties which they required him to confirm: to which they replied by sending a written schedule containing the whole of their demands, and subjoined a menace that, unless these were immediately granted under seal, they would seize the king's castles and other possessions till they compelled him to do them justice. Ralph of Coggeshale mentions this as the time of their producing the charter of Henry the first; which was probably now appealed to by way of precedent, in order to demonstrate to the king, that their demands were neither in substance nor in form so en-

¹ Dufresne, Gloss. t. *Annus*.

^u 1 Rym, 204.

AD. 1215.
 17th Feb. tirely new as he might choose to represent them. Matthew Paris relates, that the king received these overtures with great indignation, asking why the barons did not also demand of him to surrender his kingdom, and protesting with an oath that he never would grant such liberties to them as must render himself a slave; and he adds, that upon this message being returned the barons kept no farther measures, but broke out into open war. But king John himself, in his account of these transactions to the pope^w, complains that the barons and even the prelates had paid no regard to his holiness's letters; (which seem to have arrived during this fruitless negotiation) nor to the pleas which he had alleged for his security, that the kingdom was now (by his late resignation of his crown to the pope) become S. Peter's patrimony, and that he himself had taken the cross for the holy land: he moreover declares, that he had offered to abolish all evil customs that had arisen in his own time, or in the time of his brother king Richard, and to refer any grievances introduced in his father's reign to the advice and determination of his faithful subjects; that at the instigation of the archbishop

^w 1 Rym. 200. 2 Pryn. 345.

(who,

{who, till that should be done, refused to ex-communicate the insurgents according to the pope's directions) he had dismissed all the foreign mercenaries that were in his own army; and had afterwards by letters patent offered to refer all differences to the holy see and eight other arbitrators, four to be named by each party; or to the judgment of their own peers; or, lastly, to the sole judgment of the pope alone: but that the barons refused all proposals of accommodation.

A.D. 1215.
17 Feb.

THAT some credit may be given to this account, though proceeding from an interested party, is certain, because the letters patent relating to the last offer are still extant upon the rolls at the tower*, conceived in very similar terms to those of the thirty ninth chapter of the subsequent charter at Runingmede. But whether it was that the barons suspected

* Pat. 16 Job. part. 1. m. 3. d. n. 2.

Rex omnibus ad quos littere presentes pervenerint salutem Sciatis nos concessisse baronibus nostris qui contra nos sunt quod nec eos nec homines suos capimus nec diffaisemus nec super eos per vim vel per arma ibimus nisi per legem regni nostri vel per iudicium parium suorum in curia nostra donec consideratio facta fuerit: per iiii^r quos elegimus ex parte nostra et per iiii^r quos eligent ex parte

sua et dominum papam qui superior erit supra eos et de hoc securitatem eis faciemus quam poterimus et quam debebimus per barones nostros et interim volumus quod episcopi London' Wygorn' Cestrens' Roffensis et W. comes Warw' interim eos securos faciant de predictis et si forte contra aliquod interceptum fuerit infra competens tempus per predictos octo emendetur Et in hujus Ec eis fieri facimus Apud Windesorem x die Maii a. r. n. xvi^{mo}.

A.D. 1215.
17 Joh.

the king's sincerity, or disliked the umpirage of the holy see, they determined not to hazard by any treaty what they thought they were strong enough to obtain by force; and accordingly now chose them a general in form, namely Robert Fitzwalter beforementioned, whom they entitled the marescall of the army of God and of holy church. They next in the most solemn manner on the 5th of May, at Wallingford^y, disclaimed all allegiance to the king, and were absolved from their oath of fealty by one of the canons of Derham. Immediately after which they began their attack upon the king's castles; and, though they were repulsed at Northampton, yet the fortress of Bedford surrendered upon their first approach, and they took possession of London without any opposition, by private agreement with the citizens, on Sunday the 24th of May^z.

THE king, who had retired to Odiham in Hampshire^a, finding himself deserted by almost all his followers, and that he had only seven lords who remained in his court^b, was

^y Chron. Dunstap. But Thomas Walsingham (*Updigm. Neustr.*) places this transaction at Reading.

instead of the 24th, say it was on Sunday the 17th.

^a 1 Rym. 201.

^z So Matth. Paris; but the chronicle of Dunstaple and R. Coggeshale,

^b R. Coggesh.

obliged to give way to the storm; and there-^{A.D. 1215.}
fore dispatched William Marescall earl of ^{17 Feb.}
Pembroke to London, to inform the discon-
tented barons that he was ready to comply
with their demands, and to desire that a place
and time of meeting might be fixed for that
purpose^c. Accordingly a large meadow be-
tween Windsor and Stanes (about half way
from Odiham to London) was appointed for
the place of conference; which meadow was
denominated Runingmede or Runemedede, sig-
nifying (according to Matthew of Westmin-
ster) *pratum consilii*, because he says it had
heretofore been frequently used for holding
great councils of the realm: and the Tuesday
in Whitsonweek, or 9th of June, was first
agreed on as the time of the congress; for
which purpose the king came to Merton in
Surry the day before, and there granted let-
ters of safeconduct to the barons^d. But the
meeting was afterwards deferred till the
Monday following, and the safeconducts were

^c Matth. Paris.

^d Pat. 17 Feb. m. 24.

Rex omnibus has literas inspecturis
salutem Sciatis quod suscepimus in sal-
vum conductum nostrum omnes illos qui
venient ex parte baronum usque Stan' die
Martis in septim' Pentecestes anno regni
nostri xviij^{mo} in cundo illuc et redeundo et

ibidem moram faciendo ad pacem facien-
dam et firmandam inter nos et ipsos baro-
nes Duret autem conductus iste usque ad
diem Jovis proximo siquentem completum
Et in hujus Ec vobis mittimus T. meipso
apud Mereton viij die Junii a. r. n.
xviij^{mo}.

continued

AD. 1215.
1^o Jec.
 continued to that time^c, the king being then at Windsor. On which last mentioned day, being Trinity-Monday the 15th of June, the barons came to the place appointed in great numbers, and the king attended by a very few (and those only seeming) friends from among the prelates and temporal lords. They encamped apart from each other^d, like declared enemies, and then opened the conference, which lasted for several days and did not come to a conclusion till Friday the 19th of June.

WHEN preliminaries were adjusted, they first drew up certain articles or heads of agreement, which were afterwards to be reduced to the form of a charter; and to these the king affixed his great seal. A copy of these is entered in a book belonging to the archbishop's library at Lambeth^e; from whence sir Henry Spelman transcribed them into his *Codex veterum legum*, which is published by

^c *Fed. Rationale, membr. ead.*
Mendatum est comiti Sar' Savarico de
Malb Iene Ricardo filio Regis Willielmo
Bravone Willielmo de Cantilup' Wale-
rando Teutonicis Johanni de Basingeburn
Willielmo de Horecurt Rogero de Nevill
Stephano Haringet' et Gaufrido de Mar-
teny quod treuge predictæ prerogate sunt
a die Jecis in septim' Pentecostes usque

in diem Lune in crastino Trinitatis mane
et quod treugas illas interim fideliter et
firmiter interim teneant nec malum vel
dampnum eis vel aliquibus de suis infe-
rant T. R. apud Windesorum x die
Junii anno ut supra.

^d *R. Coggesh.*

^e 3 Selden, 1995.

doctor Wilkins at the end of his *Leges Anglo-Saxonicae*^b: but the original articles themselves are still in being, and from them the following copyⁱ is exactly printed. These were formerly in the possession of doctor Burnet bishop of Salisbury; who in his famous pastoral letter, which was burnt by the order of the house of commons, having vouched a particular clause in them the existence of which was doubted by some of his antagonists, the whole was thereupon printed (though somewhat incorrectly) from the Lambeth manuscript, in the appendix to a tract of those times^k. How the articles came to the bishop's hands, he himself will best inform us^l. From him they devolved to his son the late sir Thomas Burnet; and are now

A.D. 1215.
17 Job.

^b pag. 356.

ⁱ pag. 1.

^k This tract was entitled, "Reflections upon the opinions of some modern divines concerning the nature of government in general, and that of England in particular." 4^{to}. Lond. 1689.

^l History of his own times. pag. 32. "When archbishop Laud's impeachment was brought to the lords' bar, he apprehending how it would end sent over Warner bishop of Rochester with the keys of his closet and cabinet, that he might destroy or put out of the way all papers that might either hurt himself or any body else. He was at work for three

"hours, till upon Laud's being committed to the black rod a messenger went over to seal up his closet, who came after all was withdrawn. Among the writings he took away it is believed the original *magna charta* passed by king John in the mead near Stains was one. This was found among Warner's papers by his executor; and that descended to his son and executor, colonel Lee who" [by the intervention of M. Geddis, according to the author of the Reflections before mentioned] "gave it to me. So it is now in my hands; and it came very fairly to me. For this conveyance of it we have nothing but conjecture."

*A.D. 1215.
17. Feb.*

in the hands of David Mitchell, esquire, the executor of Sir Thomas; who with the utmost politeness permitted the editor to correct the quarto edition, as it came from the press, by this original.

THE articles are written on parchment, ten inches and three quarters broad, and twenty one inches and an half in length including the fold for receiving the label. To this label, which is also of parchment, is appendant the great seal of king John, of a whitish yellow wax and but little injured by time. It is represented (with the imperfections shaded) in the plate, page 13, and the counterseal in page 37. The articles are thus endorsed in a cotemporary hand, *Articuli magne carte libertatum sub sigillo regis Johannis*; and they are in all respects legible and perfect, except that in section 32^m a few letters are

Though the sections are distinguished in the original, yet they are not numbered; but the numeration is added in this edition both to this and the subsequent charters, for the more easy comparing of one with the other, as will be more fully explained in the sequel. The reader is also desired (once for all) to take notice that, in the printing both of this and the rest, the originals have been literally and scrupulously copied even where there was an apparent error; to which, and not

to the carelessness of the press, must be attributed such gross faults as *pub-
blice* in page 12, *statim* in page 19, *concessissimus* in page 32, and the like. The editor however hath made no scruple to express at full length all such abbreviations in the originals, which are commonly known to those who are conversant in records, or where the terminations of the words were sufficiently ascertained by the grammar and sense of the context. Where they could not be so ascertained he hath left them

worn out by the folding of the original, which A.D. 1215.
17 Job. are therefore here printed in italic characters. Though the hand is very much alike throughout the whole, yet it seems to be perceivable, that a few parts of it were written at some little interval of time from the rest; particularly after sections 45 and 46, which compose each of them one short line not extending the whole breadth of the parchment, the exception *nisi aliter*, &c, is subjoined at the end of them in a more hasty hand, and connected to them by a kind of angular brace, as if added at the instance of the king's commissioners upon more mature deliberation.

WHEN these articles were agreed upon and sealed, the next employment seems to have been to reduce them to the form of a charter; of which such a number of originals were made that one was deposited in every countyⁿ, or at least in every diocese^o. Two, if not three, of these originals are still existing: the two are in the British Museum, lately removed thither with the rest of fir

them abbreviated as he found them, by adding a comma or apostrophe at the end to denote the elision. To this account of the method pursued in this work, with a view to preserve it's accuracy, may be also subjoined, that wherever any record is vouched in

these notes, the same has been examined with the rolls at the tower by the editor himself, unless where some other book is expressly referred to as containing it.

ⁿ R. Coggesh.

^o Cliron. Dunstapl.

Robert

A.D. 1215.
17 Feb.
 Robert Cotton's invaluable collection, from whence M. Pine's engraved copy was taken; and the third was collated by M. Tyrrel^p with Matthew Paris's copy about sixty years ago, being then in the archives of the dean and chapter of Salisbury; but, upon diligent enquiry made at that cathedral in April *A.D.* 1759, nothing of this sort could be found^q. There is also a pretty accurate french translation of this charter among the records of France, probably carried over by prince Louis, which Dachierie has published in his *Spicilegium*^r. The following edition^s is carefully printed from M. Pine's engraving of the Cottonian original, with which it has been also compared. The original is in breadth fourteen inches and an half, and in length twenty inches and an half including the fold for the label; and was undoubtedly sealed with the same seal as the articles, but the waxen impression was melted and defaced by the unfortunate fire that happened *A.D.* 1731^t.

^p 2 Hist. of Engl. 821. and Appendix. 9.

^q This was owing in part to the repairs then making in the library, which had thrown the books and MSS into some disorder: but it is also said, that thirty years ago this charter was missing.

^r xii. 573.

^s pag. 15.

^t The other Cottonian original is much fairer than that under seal, from which M. Pine's engraving was taken; and having been collated, since the quarto edition was published, by the obliging care of the learned doctor Morton, secretary to the royal society, and librarian of the British Museum, the material various readings are inserted in the present edition. Though

A.D. 1215.
17 *Joh.*

THE transposition of the parts of this charter, and also its variations from the preceding articles, will be easily found by the help of the numerals which the editor has added in the margin^u. The most material alterations and additions are ; — in chap. 1, the mention of the former charter for freedom of ecclesiastical elections : — in chap. 2, the ascertaining the respective reliefs of heirs : — in chap. 4, the punishment of misbehaviour in such officers as were entrusted by the king with the wardships of lands, and were accountable to the crown for the same ; as contradistinguished from those, to whom the king had absolutely given or sold such wardships : — in chap. 6, the alteration of the directions concerning the marriage of heirs ; which in the articles is directed to be done by advice of the relations, but in the charter is softened down to barely giving them notice : — in chap. 13, the confirmation of the liberties of all cities

it has at present no seal, yet the parchment has three slits at the bottom ; one larger than the rest in the middle, and two smaller on one side of it, through which labels for seals have formerly passed ; which renders it not improbable, that this is the charter mentioned by M. Smith, in his preface to the catalogue of the Cotton

MSS, (Oxon. 1695.) which he had formerly seen, with the seals of some of the barons appendant to it.

u The common arabic ciphers mark the sections of the charter itself in numerical order ; the roman numeral letters distinguish the corresponding sections of the preceding articles, upon which the charter was formed.

and

A.D. 1215. and boroughs in the kingdom, as well as those
 17 *Job.*
 of London : — the whole of chap. 14, concerning the manner of summoning a general council of the realm to assess aids and scutages : — in chap. 19, the manner of adjourning the determination of writs of assise : — the whole of chap. 21, concerning the amercements of earls, and barons : — in chap. 26, the saving in favour of the reasonable parts of the widow and children of the deceased : — in chap. 27, the saving in favour of the debts of intestates : — in chap. 35, the ascertaining of measures and weights : — in chap. 41, the provision on behalf of alien enemies trading in England : — in chap. 42, the exception against prisoners, outlaws, &c : — in chap. 48, the information to be given to the king by the twelve knights, before they should redress any grievances of the forest : — in chap. 52, the recognition of the king's right to the same privileges, in point of civil suits, as other crusaders enjoyed, which in the articles is doubtfully expressed ; and the absolute respite of such suits till he returned from the holy land, instead of referring them to the archbishop and bishops : — the whole of chap. 53, concerning the respite of deafforesting the forests which were afforested by the king's father or brother : — the whole of chap. 54, in
 restraint

restraint of the appeals of women : — in chap. 56 and 57, the regulations with regard to the restitution of the Welsh whom the king himself had disseised, and the respite of those disseised by his father and brother till his own return from the crusade : — in chap. 58 and 59, the referring the disputes concerning the prince of Wales and king of Scots to the judgment of their peers, instead of the archbishop and the rest : — in chap. 61, the ascertaining the time for redress of grievances to forty days ; and, towards the end, the omission of specifying the pope by name : — in chap. 62, the general pardon : — and the whole of chap. 63, containing the general recognition of liberties, and the mutual oaths of the king and barons.

A.D. 1215.
17 *Job.*

AT the end of this charter mention is made of certain letters testimonial, which the archbishops, the legate, and others, had framed by the king's command, concerning the liberties and security thereby granted. A copy of these letters reciting the charter at length is entered in the red book of the exchequer at Westminster ; which has been carefully collated by the editor, and the various readings of that entry are noted at the bottom of the page.

*A.D. 1215.
17 Feb.*

THE twenty five barons elected by the rest of the nobility, in pursuance of the charter, to be guardians of the liberties of their country, were these: the earls of Clare, Aubermale, Gloucester, Winchester, Hereford, Roger Bigod of Norfolk, and Robert de Veer of Oxford; William Mareſcall^v the younger, Robert Fitzwalter, Gilbert de Clare, Eustace de Vescei, the mayor of London, William de Mumbray or Mobray, Geoffrey de Say, Roger de Mumbezou, William de Huntingfeld, Robert de Ros, the constable of Chester, William de Aubenie, Richard de Perci, William Malet, John Fitzrobert, William de Lanvalay or Lanvaler, Hugh Bigot, and Richard de Muntfichet.

THERE was a circumstance that attended the making of this charter that has not been

^v Matthew Paris makes William Mareſcall the younger an earl, and instead of Roger de Mumbezou gives us Roger de Munbray, and for William de Lanvalay substitutes Robert Delaval: but the names of these three barons, as here printed, are extant in the margin of a very antient copy of king John's charter among the Harleian MSS in the British Museum, (num. 746. fol. 64.) which seems of the age of king Edward the first; and

they are also mentioned as parties to the convention entered into at Runnymede. (see p. 39.) But the name of another of the barons in the Harleian MS, Robert de Boys, not being in that convention, it is here printed Robert de Ros, according to the reading of Matth. Paris; and the rather, because de Ros is a witness to the charters of 9 Hen. III. (see pag. 89 and 102.)

commonly

commonly, if ever, taken notice of before. ^{A.D. 1215.}
The archbishops of Canterbury and Dublin, ^{17 Job.}
with other bishops, apprehending that by the
generality of the provisions in chap. 48 of the
charter the very being of all forests might be
endangered, entered a protest; declaring that
it was not the intention of the parties that
the general words of the charter should ex-
tend to abolish such customs of the forests,
without the existence of which the forests
themselves could not be preserved. This pro-
test is entered on record in the tower of Lon-
don ^w.

THE mention of these forest-clauses can-
not but remind us of what Matthew Paris,
or rather Roger Wendover, has so roundly
asserted; that king John granted a separate
charter containing the immunities of the fo-

^w *Claus. 17 Job. m. 27. d. et Du-
plicat. ejusd. m. 21. d.*

*Omnibus Christi fidelibus ad quos pre-
sentes littere pervenerint S. Dei gratia
Cant' archiepiscopus totius Anglie primas
et sancte Romane ecclesie cardinalis et
H. eadem gratia archiepiscopus Dublin'
W. quonque London' P. Winton' J. Ba-
rton' et Glasston' H. Lincoln' W. Wygorn'
et W. Coventr' ejusdem gratie dono epis-
copi salutem in Domino Cum dominus rex
concesserit et per cartam suam confirma-
verit quod omnes male consuetudines de
forestis et forestariis et eorum ministris sta-*

*tim inquirantur in quolibet comitatu per
duodecim milites juratos de eodem comi-
tatu qui debent eligi per probos homines
ejusdem comitatus et infra xl dies post in-
quisitionem factam penitus ita quod nun-
quam revocentur delantur per eosdem dum-
tamen dominus rex hoc prius sciat Uni-
versitati vestre notum fieri volumus quod
articulus iste ita intellectus fuit ex utra-
que parte quum de eo tractabatur et ex-
pressus quod omnes consuetudines ille re-
manere debent sine quibus foreste servari
non possint et hoc presentibus litteris pro-
testamur.*

A.D. 1215.
17 Feb.
 rest, because they were too bulky to be comprized in one and the same instrument with the other liberties. And he has accordingly very formally presented us with king John's charter of the forest, agreeing in all material points with that of his son Henry the third; but which, there is reason^x to believe, never had any existence but in the invention of that legendary monk, or else in some inaccurate register which he copied; in like manner as the great charter, which he has given us, is essentially different from the originals in the British Museum and at Salisbury^y, and from the entry in the red book of the exchequer. For, not to insist on the small size of the original charter itself^z, there is no clause relating to the forest in the rough draught or *capitula*, but what is adopted and amplified in the great charter as granted by king John; and surely there was sufficient room in that draught to have inserted other clauses, if then in the contemplation of the parties. It is likewise remarkable that the king and the pope, in their subsequent proceedings relative to this transaction, mention one charter only in the singular number. And indeed it would have been exceedingly absurd to have loaded the

^x 2 Tyrr. 821.

^z See page xxviii.

^y *Ibid.* Append. 9.

great charter with any clauses relating to the forest, if another distinct instrument had been then sealed for the liberties of the forest only. We shall observe too in the sequel of these enquiries, that these very clauses were omitted, and the consideration of them was expressly respited, in the first charter of king Henry the third; and that they afterwards formed a part of his separate charter of the forest, which was settled with mature deliberation when the peace of the kingdom was restored: which charter of king Henry it is that Roger Wendover has fathered upon king John; though it contains (as will presently be shewn) some internal evidence, which makes it almost impossible to suppose it older than the time of his son. But let us now return to the charter of Runingmede.

*A.D. 1215.
17 Feb.*

THE barons were too sensible of the faithless temper of their monarch, to trust only to seals and parchment, or even to his solemn oath; but demanded also a real and substantial security for his performance of the articles of the charter; nothing less than the custody of the city and tower of London till the 15th of August then next ensuing, and afterwards till the charter should be carried into execution. To this the king also consented, if

^a 9.D.1215. compliance in his circumstances may be called a consent, and the custody was actually delivered ^a. This convention is recorded in the tower, and is here ^b printed immediately from the roll ^c.

IN this agreement there is notice taken of the writs then issued for choosing the twelve knights, who, according to the tenor of the charter, should abolish the evil customs which prevailed in the forests and other franchises. These writs are on record in the tower ^d, bearing date the 19th of June, on which day

^a R. Coggesh.

^b page 39.

^c Claus. 17 Job. m. 27. d. et Duplicat. ejusd. m. 21. d.

^d Pat. 17 Job. m. 23. d.

Rex vicecomiti forestariis warenariis custodibus ripariarum et omnibus ballivis suis in eodem comitatu salutem Sciatis pacem firmam esse reformatam per Dei gratiam inter nos et barones et liberos homines regni nostri sicut audire poteritis et inde per cartam nostram quam inde fieri fecimus quam etiam legi publice precepimus per totam ballivam vestram et firmiter teneri Volentes et districte precipientes quod tu vicecomes omnes de balliva tua secundum formam carte predictae jurare facias xxv baronibus de quibus mentio fit in carta predicta ad mandatum eorundem vel majoris partis eorum coram ipsis vel illis quos ad hoc atornaverint per literas suas patentes et ad diem et locum quos ad hoc faciendum prefixerint disti-

barones vel atornati ab eis ad hoc Volumus etiam et precipimus quod xii milites de comitatu tuo qui eligentur de ipso comitatu in primo comitatu qui tenebitur post susceptionem literarum istarum in partibus tuis jurent de inquirendis pravis consuetudinibus tam de vicecomitibus quam eorum ministris forestis forestariis warenis et warenariis ripariis et earum custodibus et eis delendis sicut in ipsa carta continetur Vos igitur omnes sicut nos et honorem nostrum diligitis et pacem regni nostri omnia in carta contenta inviolabiliter observetis et ab omnibus observari faciatis ne pro defectu vestri aut per excessum vestrum pacem regni nostri quod Deus avertat iterum turbari contingat Et tu vicecomes pacem nostram per totam ballivam tuam clamari facias et firmiter teneri precipias Et in hujus &c vobis mittimus Teste meipso apud Runimed' xix die Junii anno regni nostri xxiij^{mo}.

the

the peace was fully concluded^e, and the king received the homage of his barons. It therefore seems extremely probable, that the several duplicates of the great charter, (of which we are told that one was lodged in every county and bishoprick^f) though bearing date on Monday the 15th of June, the first day of the congress, were not completed and sealed till Friday the 19th; and then, having obtained the security which they so long had desired, the barons renewed their professions of duty by doing homage to their sovereign,

A.D. 1215.
17 Job.

^e The chronicle of Dunstaple expressly fixes the day of SS. Gervasius and Protasius, or 19th of June, for the day of completing the peace; and the following writ of the king himself, directed to the leaders of his own forces, states the peace to have been concluded on the Friday after Trinity Sunday, which was also the 19th of June, though by some oversight the writ itself is tested on the 18th; possibly by the clerk's mistaking a *v* for an *x*, (*xviiij* for *xxiiij*) since the writ entered immediately before it on the roll is tested on the 23^d of June. See note (k) below.

Pat. 17 Job. m. 23. n. 111.

Rex Stephano Harengid &c Sciatis quod firma pax facta est per Dei gratiam inter nos et barones nostros die Veneris proxima post festum sancte Trinitatis apud Runemed' prope Stanes ita quod eorum homagia eodem die ibidem cepimus Unde vobis mandamus firmiter precipientes quod

sicut nos et honorem nostrum diligitis et pacem regni nostri ne ulterius turbetur quod nullum malum de cetero faciatis baronibus nostris vel aliis vel fieri permittatis occasione discordie prius orta inter nos et eos Mandamus etiam vobis quod de finibus et teneriis nobis factis occasione illius discordie si quid superest reddendum ultra predictam diem Veneris nichil capiat Et si quid post illum diem Veneris cepistis illud statim reddatis Et corpora prisonum et obsidum captorum et detentorum occasione huiusmodi guerre vel finium vel teneriorum predictarum sine dilatione deliberetis Hec omnia predicta sicut corpus nostrum diligitis faciatis Et in huius &c vobis mittimus Teste meipso apud Runemed' xviiij die Junii anno regni nostri xvij^o.

The *teneriae* here spoken of were a kind of tax or military contribution; and are twice mentioned as such by Matth. Paris, in his life of William the twenty second abbot of S. Albans.

^f R. Coggesh. Chron. Dunstapl.

after

A.D. 1115.
17 Job.
 after which the assembly was dissolved. But though the barons did not scruple to give the king this outward token of their allegiance, yet they somewhat unaccountably refused to certify it under their seals^z, which could not but raise some suspicions and jealousies in the king. He however proceeded to perform his part of the agreement with great apparent sincerity: he continued encamped at Runingmede till Tuesday the 23^d of June; and there not only issued writs to his english officers to put a stop to all farther hostilities, to set at liberty the prisoners, and to levy no farther contributions^b, but also sent directions to Hugh de Bova, a french exileⁱ and one of his foreign captains, to convey his mercenary forces home

^z This appears from a protest of the prelates entered on the rolls in the tower:

Pat. 17 Job. m. 21. d.

Omnibus Christi fidelibus &c Stephanus Dei gratia Cant' archiepiscopus totius Anglie primas et sancte Romane ecclesie cardinalis Henricus Dublin' archiepiscopus Willielmus London' Petrus Winton' Joscelinus Batbon' et Glaston' Hugo Lincoln' Walterus Wigorniensis Willielmus Coventr' Ricardus Cicestr' episcopi et magister Pandulfus domini pape subdiaconus et familiaris salutem. Noverit universitas vestra quod quando facta fuit pax inter dominum regem Johannem et barones Anglie de discordia inter eos orta idem barones nobis presentibus et audientibus promiserunt domino regi quod quamcunque securitatem

habere vellet ab eis de pace illa observanda ipsi ei habere facerent preter castella et obsides. Postea vero quando dominus rex petiit ab eis ut talem cartam ei facerent Omnibus &c Sciatis nos astrictos esse per sacrament' et homagia domino nostro Johanni regi Anglie de fide ei servanda de vita et menbris et terreno honore suo contra omnes homines qui vivere possint et mori et ad jura sua et heredum suorum et ad regnum suum custodiendum et defendendum ipsi id facere noluerunt. Et in hujus rei testimonium id ipsum per hoc scriptum protestamur.

^b See note (e) immediately preceding.

ⁱ R. Coggesh.

to their respective countries^k. After this he retired first to Odiham and then to Winchester; where, by the advice of archbishop Langton and the barons, he on Saturday the 27th of June issued out writs to all the sheriffs in England, and to the twelve knights elected in every county, directing them to compel all persons to take the oath of obedience to the twenty five barons, which the charter had prescribed; and, in default thereof, to seize their lands, tenements, and chattels into the king's hands, and to convert the latter into money towards the relief of the holy land^l.

A.D. 1215.
17 Feb.

^k Pat. 17 Feb. m. 23. n. 110.

*Rex Hugoni de Pova salutem Mandamus vobis quod in fide qua nobis tene-
mini non retineatis aliquem de militibus
vel servientibus qui fuerunt apud Dover
sed in patriam suam in pace sine dilatione
ire faciatis Et in hujus &c T. meipso
apud Runimed' xxij die Junii anno
regni nostri xvij^{mo}.*

^l Pat. 17 Feb. m. 21. n. 105.

*Rex vicecomiti Warewic' et duodecim
militibus electis in eodem comitatu ad in-
quirendum et delendum pravos consuetudi-
nes de vicecomitibus et eorum ministris fo-
restis et forestariis warennis et warennar-
iis ripariis et earum custodibus salutem
Mandamus vobis quod statim et sine dila-
tione saisitis in manum nostram terras et
tenementa et catalla omnium illorum de co-
mitatu Warewic' qui jurare contradixe-
runt viginti quinque baronibus secundum
formam contentam in carta nostra de liber-
tatis vel eis quos ad hoc atenerint*

*Et si jurare noluerint statim post quindecim
dies completos preterquam terre et tenementa
et catalla eorum in manu nostra saisita sai-
sita fuerint omnia catalla sua vendi facia-
tis et denarios inde perceptos salvo custo-
diatis deputandos subsidio terre sancte
Terras autem et tenementa eorum in manu
nostra teneatis quousque juraverint Et
hec provisum est per judicium domini Cant'
archiepiscopi et baronum regni nostri Et
in hujus &c Teste meipso apud Winton'
xxvij die Junii a. r. n. xvij^{mo}.*

*Idem mandatum est omnibus vicecomiti-
bus Anglie.*

At the end of the great charter in Dachicrie's *Spicilegium* before mention-
ed (xii. 573.) there is a french transla-
tion of one of these writs, directed to
the sheriff of Suthantefire, and dated
Odibaom, (i. e. Odiham) le vint et sep-
tain jor de Juig lan de nostre regne dis et
septain.

BUT

A.D. 1215.

17 Job.

BUT the king, who appears at first view of these concessions to have surrendered at discretion to his barons, in reality only dissembled, in order to gain time to deceive them. Before the congress at Runingmede he had written to the pope an account of the straits to which he was reduced; and immediately afterwards (as may be collected from the event) he dispatched a messenger to Rome with a copy of the charter which he had granted. Pope Innocent was not of a temper to put up with any slight on his authority, which the whole of this transaction (considering the former applications of both parties to the holy see) appears very evidently to have been. He therefore on the 24th of August issued out a thundering bulle^m, which vacated

^m This bulle, which is very long, states the former reconciliation of king John to the holy see; his surrender of his kingdoms, and becoming a vassal to the pope; his taking the cross for the holy land; the pope's late interposition as mediator; the king's offer of a compromise; the obstinacy of the barons; and the supineness of the bishops; and that therefore the king had been compelled to enter into a base and vile composition, to the great derogation of his rights and the honour of his crown; and then proceeds in these words: *Quia vero nobis a Domino dictum est in propheta "Constitui te super gentes et reg-*

"na ut evellas et destruas edifices et plantas" itemque per alium prophetam "Dissolve colligationes impietatis solve fasciculos deprimentes" Nos tante malignitatis audaciam dissimulare nolentes in apostolice sedis contemptum regalis juris dispendium Anglicane gentis opprobrium et grave periculum totius negotii Crucifixi quod ubique immineret nisi per auctoritatem nostram revocarentur omnia que a tanto principe cruce signato taliter sunt extorta et ipso volente ea servare ex parte Dei omnipotentis patris et filii et spiritus sancti auctoritate quoque apostolorum ejus Petri et Pauli ac nostra de communi fratrum nostrorum consilio compositionem hujusmodi

the whole charter as unjust and obtained by compulsion, and prohibited the king to observe it or his barons to require such observance. This determination of the holy father was eagerly embraced by the king and his adherents; who now thought themselves released (such was the logic, and such the religion of the times) from every engagement into which they had entered, and empowered to trample on those liberties which they had solemnly sworn to maintain.

THE subsequent proceedings of the king and his barons being foreign to the purpose of this discourse, (which is only to trace the history and progress of the charters) it may suffice to observe in brief, that, the barons still proving refractory, the pope excommunicated them, first generally, and afterwards specially by name, as being worse than the Saracens themselves in obstructing the king's expedition to the holy land: that the king hired a body of foreign troops, and gained such advantages over his barons, that they

jusmodi reprobamus penitus et damnamus ipsa sunt facte irritantes penitus et cassantes sub interminatione anathematis prohibentes ut nullo unquam tempore aliquam habeant firmitatem. Datam Anagnin nono calendis Septembris pontificatus nostri decimo octavo. 1 Rym. 204. 2 Plyn. 342.

had

A.D. 1216.
18 Feb.
 had recourse to the desperate expedient of calling over Louis, the eldest son of king Philip the second of France, to accept their allegiance: that he accordingly landed in England on the 21st of May 1216, and reduced king John to great difficulties: but that in the midst of these commotions the king died unexpectedly on the 19th of October at Newark; from whence his body was carried to Worcester, and there interred.

Hen. III.
 His son Henry the third, being then only nine years old, was on the 28th of the same month crowned at Gloucester by Gualo the pope's legate, in the presence of a few spiritual and temporal lords who adhered to him. Among these the principal was William Marescall earl of Pembroke, who was soon afterⁿ made guardian or protector of the king and kingdom, and immediately summoned a great council to meet at Bristol on the 11th of November°, being the festival of S. Martin. At this council a vast concourse of the prelates, nobility, and others attended; and there the legate absolved them all from their

ⁿ M. Carte asserts, (2 Hist. 2, 3.) that he did not assume this title till the 29th of November, or thereabouts; but the contrary is evident from the close of the great charter granted at Bristol, (see page 55) wherein he is so styled on the 12th.
 ° 1 Leland. *Collectan.* 535. Ann. Waverl. Rob. Glouc.

allegiance to prince Louis, and made them swear fealty to king Henry: and the next day, being the 12th of November, the king by the advice of his council renewed the great charter which was granted by his father, with such alterations and amendments as the circumstances of the times had made necessary^p.

A.D. 1216.
1 Hen. III.

^p An authentic account of all these transactions is preserved upon record, in a letter from the king to the chief justiciary of Ireland, of which the following is a faithful copy :

Claus. 1 Hen. III. m. 14. d. et m. 25. d.

Rex G. de Marisc' justiciario suo Hibernie salutem Multiplices vobis gratiarum referimus actiones de bono et fidei servicio vestro felicitis memorie J. quondam regi Anglie patri nostro exhibito nobisque exhibendo et de hiis que per fidelem nostrum Radulfum de Norwic' clericum nobis significastis Cum igitur jubente ipso cujus famulantur imperio mors et vita dominus et pater noster ex hac luce feliciter migraverit cujus anima in celestibus collocetur vos scire volumus quod celebratis solempniter ex more debito regalibus exequiis in ecclesia beate Marie Wygorn' convenerunt apud Glouc' plures regni nostri magnates episcopi abbates comites et barones qui patri nostro viventi semper assisterunt fideliter et devote et alii quamplurimi ubi in festo apostolorum Simonis et Jude in ecclesia beati Petri Glouc' applaudentibus clero et populo per manus domini G. titulo sancti Martini presbyteri cardinalis et apostolice sedis legati in Anglia et episcoporum tunc presentium invocata spiritus sancti gratia publice fuimus in regem Anglie inuncti et coro-

nati fidelitate et homagio omnium illorum nobis exhibitis Quod vobis ut fidei nostro duximus intimandum ut de honore et successu nostro felici gloriemini Sane cum audierimus indignationem quandam inter memoratum dominum patrem nostrum et quosdam nobiles regni nostri exortam utrum cum causa vel sine causa nos nescimus sic agitatam extitisse et illam volumus imperpetuum aboleri et oblivisci quod nunquam menti nostre adhareat et ut cessante causa cesset effectus quicquid extiterit erga ipsum concepte indignationis parati sumus et volumus pro viribus nostris expiare singulis prebendo quod ratio declaraverit cum subditorum consilio et deletis de regno pravis consuetudinibus in libertatum et liberarum consuetudinum innovatione dies nobilium patrum nostrorum reformare gratiosos unicuique tribuendo quod sibi debebit cum ratione competere Ad hoc sciatis quod celebrato nuper concilio apud Bristoll' ubi convenerunt universi Anglie prelati tam episcopi abbates quam priores et multi tam comites quam barones qui etiam universaliter fidelitatem nobis publice facientes concessis eis libertatibus et liberis consuetudinibus ab eis prius postulatis et ipsis approbatis prompti et prout ad mandatum nostrum in partes suas cum gaudio sunt reversi Speramus quidem et in Domino confidimus quod

A.D. 1216.
1 Hen. III.
 the charter concerning ecclesiastical elections : — in chap. 3, the additions concerning the duration and the right of wardship : — in chap. 5, the indulgence to guardians, by only directing them to deliver up the land to their wards (when of age) in as good condition as they found it, not in as good as it would bear ; and the extension of the same rule to the custody of the temporalities of church-preferments : — in chap. 6, the still farther encrease of the power of the lords with respect to the marriage of their wards, by making it no longer necessary even to apprise their relations of the intended marriage, but only in general prohibiting the disparagement of the heir : — in chap. 7, the farther provisions on behalf of widows claiming dower : — in chap. 9, the putting unwilling debtors upon the same footing, with respect to the remedy of their creditors, with those that are actually insolvent : — and, immediately after, the total omission of three chapters of king John's charter, (x, xi, xii,) concerning debts to Jews, scutages, and aids : also the omission of two others, (xiv, xv,) concerning the manner and reasons of levying such aids and scutages ; and of another, (xxv,) concerning the farming of counties, hundreds, &c ; and again, of another, (xxvii,) concerning the disposition

disposition of intestates estates : — in chap. 21 A.D. 1216.
1 Hen. III. of king Henry's charter, the fixing a stated time wherein constables keeping castle-guard should pay for the provisions, &c, taken up for their use : — in chap. 23, the reducing to a certainty the hire of carriages taken by the king's purveyors : — the omission of another chapter of king John's charter, (xlii,) concerning the general leave which was therein given to depart from or return to the realm ; and of another, (xlv,) concerning the making of judges and other officers out of such only, as were skilled in the law of the land and desirous to observe it ; and of another, (xlviii,) concerning the abolition of evil customs relating to forests, warrens, sheriffs, and rivers : — the omission of six more, (xlix, l, li, lii, liii, lv,) concerning the re-delivery of hostages, the sending home the foreign mercenaries, the restitution of such english subjects as had been disseised or eloigned by king John, or his father, or brother, the respite of de-afforesting the new forests, the settling certain disputed wardships of lands and religious houses, and the adjusting certain arbitrary fines and amercements ; all which were in some measure of a personal nature, and related principally to king John himself : — the omission of three others, (lvii, lviii, lix,) concerning the

A.D. 1216.
1 Hen. III.
faithful subjects there; with some few alterations which the local necessities of that island required. The original of this irish charter is not perhaps now extant; but there is an antient entry of it in the red book of the exchequer at Dublin, which M. Tyrrel appears to have been in some degree acquainted with², and of which the various readings are given at the bottom of the page in the following edition³.

A.D. 1217.
ON the 23^d of June following writs were issued to the several sheriffs in England, commanding them to cause the charter of liberties to be publickly read in full county-court, and to see that the liberties therein contained were firmly observed in their bailiwicks. The inaccuracy with which these writs are entered on the roll might occasion a doubt, (if the contrary were not extremely clear) whether Henry did not also at this time grant a char-

² 2 Hist. of Engl. 828. 3 Hist. of Engl. Append. 17.

^a The copy of this entry was taken and transmitted to the editor by the kind assistance of doctor Lyon prebendary of S. Patrick's, and doctor Fletcher rector of S. Mary's, Dublin. It may seem somewhat singular, that, both in the original at Durham and this entry at Dublin, a blank should be left for the christian names of two

of the bishops (of S. David's and Bangor) who were present at the granting of this charter. But as the scribe was probably an Englishman, and the names of the prelates were pure Welsh, Jorwerth being then bishop of S. David's, and Cadwgan bishop of Bangor, (Godw. *de Praeful.* edit. Richardson.) it may in some sort account for the omission.

ter of the forest, as well as a great charter of liberties; for they speak, in the beginning, of charters in the plural number, though, toward the end, of only one charter in the singular ^b.

IT is not to our purpose to recount the other transactions of this summer, whereof our histories in general are full. We have only to remark, that prince Louis, after a series of ill success, was constrained to make peace with king Henry; and to that purpose a congress was held in a little island of the Thames adjoining to Kingston in Surry on the 11th of September ^c. This congress was probably not finished till the 13th, being Holyrood-eve, which Matthew of Westminster and Ralph of Coggeshale have fixed for the time of concluding the treaty. The articles of peace (dated on the 11th of September at Lameth) are extant in the collections of Rymer ^d, Dachierie ^e, and also of Martene and Durand, whose copy considerably differs from

^b Claus. 1 Hen. III. m. 10. d.

Rex vicecomiti Wigorn' salutem Pre-
cipimus tibi quod die et loco comitatui tui
legi facias cartas libertatum quas baro-
nibus et omnibus aliis de regno nostro per
commune concilium regni nostri concessimus
et quam dominus legatus sigillo suo con-
firmavit: et libertates in carta ipsa con-

tentas omnibus fidelibus nostris firmiter
facias observari in balliva tua Quia
vero nondum &c Teste comite apud
Certes' xxij die Junii.

^c Liber de antiqu. leg. London. 38. b.

^d 1 Foed. 221.

^e 20 Sept. apud Lamech. 9 Spicil. 171.

A.D. 1217.
1 Hen. III.
 the others; particularly in the insertion of this remarkable article, that prince Louis should restore to the king, among other writings and records, the charters of liberties granted by king John^f. These writings and records had probably been placed in his hands by the discontented barons; nor is it an extravagant conjecture to suppose, that the *capitula* of king John's charter were among them, and that, as this transaction was brought to a period at Lambeth, they thence came to be deposited in the archiepiscopal library there.

IT is observable that in this treaty, of the 11th of September, there does not appear to have been any oath or engagement on the part of the king to confirm the charter of his father; which most of the monastic writers have stated as a principal part of it, probably confounding this with the ensuing congress which was held on the 23^d. For, the treaty of peace being ratified, the king on the 14th of September granted letters of protection and safeconduct to prince Louis dated at Kingeston^g, and others on the 19th to his

^f Item dominus Lodovicus reddat domino regi rotulos de scacario, cartas Judicorum, et cartas fascias de libertatibus tempore regis Johannis a P. Rumougrend, [perhaps, ad Pratum Runingmed'] et

omnia alia scripta de scacario quod habet bona fide. 1 Thesaur. nov. Anecd. 858.

^g Pat. 1 Hen. III. n. 8. m. 3. printed in 1 Rym. 222.

adherents

adherents dated at Mereton^h, in Surry. At *A.D. 1217.*
1 Hen. III.
the latter of which places the manuscript chronicle of the city of Londonⁱ informs us that a second congress was held on the 23^d of September, at which were present the legate, prince Louis, almost all the nobility of England, the count of Bretagne, and many others of the French; that king Henry there granted to his subjects a new charter of liberties with several additions and improvements, which was then sealed with the seals of the legate and William Marescall the elder, but was afterwards renewed and sealed with the king's own seal in the ninth year of his reign; and that at the same time the king granted also a charter of the forest; for which two charters

^h Pat. 1 Hen. III. m. 3. *ibid.*

ⁱ This chronicle is preserved at the townclerk's office in a book entitled *Liber de antiquis legibus*; which (in fol. 38. b.) has the following passage; *A. D. MCCXVII iij idus Septembris facta est pax &c apud Kingston* Postea ix kal. Octobris venerunt apud Merton dominus legatus dominus Loderwy-cus et omnes fere magnates Anglie comes Brit^e et multi alii de Francia ubi est firmata est pax inter ipsos Dominus vero rex Anglie concessit et carta sua confirmavit omnibus liberis hominibus regni sui omnes libertates et liberas consuetudines quas habuerunt tempore predecessorum suorum regum Anglie cum augmentatione aliarum libertatum in predicta carta contentarum Que quidem carta

quia dominus rex nullum proprium sigillum tunc temporis habuit propter minoram etatem sigillata fuit sigillo predicti legati et sigillo Willicmi Marescalli Anglie senioris rectoris predicti regis et regni sui Dicta vero carta postea anno regni predicti regis nono fuit renovata et sigillo suo proprio sigillata Et tunc temporis idem rex fecit eis cartam de foresta per quam multum fuerunt alleviati de gravamine et molestia Nam antea qui libet homo pro una fera capta fuit oculis vel vita privatus qui postea pro tali transgressione fuerunt tantummodo incarcerati et graviter redempti Pro predictis vero cartis dedit universitas regni Anglie tam clerici quam laici dicto regi quintam decimam partem omnium mobilium suorum.

A.D. 1217. the whole kingdom gave him a fifteenth part
Hen. III. of their moveables.

NEW as this account may appear and unnoticed by all our historians, except very imperfectly by Tyrrel *, it is however incontestably confirmed by the original charter itself now preserved in the Bodleian library at Oxford; from which the following copy ¹ is very carefully and exactly printed. This charter is in breadth seventeen inches, and in length (including the fold for the label) twenty three. It has the following endorsement on it in a cotemporary hand, *Magna Carta Caps. xiiij de Lanc. te.* which seems to have been a mark denoting the capsule or drawer, wherein it was deposited at the abbey of Gloucester, to which religious house it is thought to have once belonged. In a somewhat later but very antient hand it is also thus endorsed, *Carta H. regis de libertatibus magne carte H. reg. avi nostri. Registratur W at.* There still remain affixed to it by parchment labels the seals of Gualo the legate and William Marescall earl of Pembroke, the former in white wax, the latter in green; both which are exhibited with

* 2 Hist. of Engl. 828.

¹ page 56.

their several imperfections in the plate, *A.D. 1217.
1 Hen. III.*
page 71^m.

THE variations of this charter from the preceding one, of the 12th of November 1216, will be found in the same manner as before; by comparing the several sections or chapters, which are marked with ciphers in numerical order, with the corresponding sections of the other, referred to by the numeral

^m This invaluable piece of antiquity was bequeathed (among others) to the university of Oxford by the late reverend Richard Furney, M. A. arch-deacon of Surry. And it were much to be wished that all gentlemen, who are possessed of similar curiosities, would follow so laudable an example, by placing them in some public repository. The collecting and hoarding of antiquities, which, when confined to private amusement and self-satisfaction only, are too justly the object of ridicule, would then be of singular advantage to the public. However, we may congratulate the present age on the prospect there is of seeing the paths to these hidden treasures made sufficiently easy and commodious, not only by the immense fund of antient learning which the wisdom of the legislature has amassed together and deposited in the British Museum; but also by a plan which has long employed the attention of the noble and honourable trustees of the Radcliffe library in Oxford, for transferring to that august edifice all the MSS which are at present the property of the university, and appropriating it for the future to the reception of MSS only: a design, which will exhibit in one view, and preserve with the utmost security, that inestimable treasure which now lies inconveniently dispersed; will give room for the daily accessions of printed books to the Bodleian library; will perpetuate, by a proper arrangement, the memory of former benefactors to letters, and be the means of exciting new ones; and will in the end do the highest honour to the name of the munificent founder, by stamping a peculiar and most useful character of its own on that noble structure, which it ever must want if considered only as a supplement to former libraries. How far this plan will be adopted, is not hitherto fully determined; yet it cannot but seem an auspicious omen, that the ample first-fruits of doctor Radcliffe's endowment have been lately applied with the utmost propriety to the purchase of M. Fraser's very curious and numerous collection of oriental MSS.

letters.

A.D. 1217. letters. The principal are these : — in chap. 7, *1 Hen. III.*
 { the additional clauses allowing widows to remain in the capital messuage, and to have their estovers, during their quarentine ; and fixing their dower in general to be the third part of their husband's lands : — in chap. 13, the omission of assises of *darrein presentment*, the leaving indefinite the number of the knights and the justices of assise, the abolishing the election of the former, and the reducing the times of taking assises to once in every year : — in chap. 14, the total change of the manner of determining such assises as remained undecided beyond the stated time, either by referring them to the justices themselves in other parts of their eyre or circuit, or in cases of difficulty by adjourning them into bank : — in chap. 15, the confining assises of *darrein presentment* to be taken in bank only : — in chap. 16, the distinction between the amercement of the king's villeins and those of other lords : — in chap. 18, the more clear and express definition of ecclesiastical privilege with respect to amercements : — the addition of chap. 20, concerning the defence or appropriation of rivers : — in chap. 22, the omission of the reasonable parts of the children ; unless (as is probable) that omission must be charged on the scribe, and not on the makers of the charter ;

charter:—in chap. 23, the allowing forty ^{A.D. 1217.} days, instead of three weeks, for the pay- ^{1 Hen. III.} ments to be made by constables keeping castle-guard:—in chap. 24, the confining the exemption of knights in the king's army, from the duty of castleguard, to be only in respect of those fees for which they do actual service:—the addition of chap. 26, which privileges the carriages of ecclesiastics, knights, and ladies:—in chap. 34, the distinction between *lex manifesta* and *juramentum*:—in chap. 35, the more ample provision against unlawful disseisins:—in chap. 38, the additional security against the claim of escheats and wardships, by reason of tenure under baronies escheated to the crown:—the omission of the two forest clauses, (xxxvi, xxxviii,) remaining in the former charter of the 12th of November:—the addition of chap. 39 in the present charter, against alienations in prejudice of the services due to superior lords:—in chap. 40, the allowing the custody of vacant abbeys not only to the founders of them, but also to other patrons:—the omission of a clause, (xl,) of the former charter concerning the disseisins of the Welsh:—the total addition of chap. 42, 43, and 44, in the present charter, concerning the holding of county courts, sheriff's tours, and views of frank-pledge, alienations

in

A.D. 1217.
1 Hen. III. in mortmain, and levying of scutages : — the omission of the respiting clause, (xlii,) in the former charter ; provision being made in this and the charter of the forest for the several articles then respited, except the debts to the Jews, and the liberty of passing and repassing into and out of the kingdom : — the addition of chap. 46 in the present charter, containing the general saving of liberties ; and, lastly, of chap. 47, containing the very remarkable provision for demolishing all the adulterine castles built since the commencement of the barons' wars.

WALTER Hemingford in his chronicle, *A.D. 1224*, has given us the two charters of the 9th of Henry the third, with the preamble of that now before us, stating them to be granted by the advice of the legate, the earl of Pembroke, and others : — thus confounding the two sets of charters together, which is a species of inaccuracy very frequent in the monkish historians, or in the registers of those abbeys from whence they drew their materials. But there is a much more exact and authentic entry of the great charter now granted, written by a cotemporary hand in a very antient book preserved in the town-clerk's office at London, entitled *Capitula laudum et nobilitatum*

*tum insule Britannie*ⁿ, but more usually known ^{A.D. 1217.} there by the name of *Liber custumarum et re-* ^{1 Hen. III.} *gum antiquorum*. The charter is therein stiled, *Carta regis H. de libertate Angl'*; and it's various readings, which appeared on collation with the Oxford original, are inserted at the foot of the page in the following edition.

THERE is unfortunately no date either to the Oxford original, or the entry in the book at Guildhall; and there is the like omission in a very fair copy of it extant in the public library at Cambridge^o; in another very antient one in the library of C. C. C. in that university^p; and in a french translation of the same, in a cotemporary hand, in the library of Trinity college there^q. This raises some uncertainty with regard to the exact time of granting it; and our historians have rather encreased than removed the difficulty. The chronicle of London before cited fixes it to the 23^d of September, *A. D.* 1217: the annals of Waverley tell us that after Michaelmas, *A. D.* 1218, the council met at London, and renewed the charter of king John, under the seals of the legate, William Mareſcall,

ⁿ fol. 27. b.

^o Ll. 1. 10.

^p D. 1.

^q O. 1. 76.

and

A.D. 1217. and others^r: Robert of Gloucester also fixes
1 Hen. III.
 the same year, 1218, for the king's granting
 the great charter and charter of the forest:
 and, to complete our suspense, there are ex-
 tant many antient copies^r of both the char-
 ters, with the following or a nearly similar
 conclusion; *Dat' per manus venerabilis patris*
domini R. Dunelmensis episcopi cancellarii nostri
apud sanctum Paulum London' sexto die No-
vembris anno regni nostri secundo, which was
A. D. 1217.

IN this state of uncertainty we may be al-
 lowed to entertain a conjecture, (for it cannot
 amount to more) that when the peace was
 now thoroughly established, the king's minis-

^r *A. D.* 1218. *Post festum sancti Michaelis convenerunt apud London' sapientes Angliae, et renovaverunt leges et libertates secundum cartam regis Johannis, quam fecerat baronibus, et in modum chirographi scripserunt, et sigillo Gualonis legati, et Simonis archiepiscopi Cantuariensis, et Walteri archiepiscopi Eboracensis, et Williclmi episcopi Londoniensis et Williclmi Marecalli confirmaverunt, donec rex juvenis sigillum curiale habere videretur.*

^s In the Bodleian library, three; Marsh. 132. Hatton. 28. NE. F. 2. 4. In the public library at Cambridge, three; Ee. 1. 1. Hh. 3. 11. Ll. 4. 18. In the British Museum, among the Harleian MSS, eight; numb. 493, fol. 42; 746, fol. 59; 867; 869;

946; 1033; 1120; 4975. In the Inner-Temple library, one; MSS Petyt. 9. None of these have the clause relating to the adulterine castles; which indeed is to be found in one other copy in the Bodleian library, Laud. F. 119, and in another in the Cambridge library, Ee. 2. 19; but both of them are so incorrect in other respects that nothing can be gathered from them with any certainty. For the examination of the MSS (above cited) at Cambridge, the editor is obliged to the very learned and communicative doctor Richardson, master of Emanuel college, and doctor Mason of Trinity college, the Woodwardian professor of fossils: those at Oxford and London were examined by himself.

ters,

ters, in pursuance of their engagement in the close of the former charter, reconsidered the whole, and granted that now before us under the legate's and protector's seals at Merton on the 23^d of September, in the great council or parliament mentioned by the chronicle of London; for the clause of the adulterine castles is expressly declared in the charter to have been inserted *de communi consilio totius regni nostri*^t: that in recompense for this, and to assist him in settling the kingdom, the parliament afterwards gave the king a fifteenth of their moveables; which is recited in most of the copies that are dated on the 6th of November, in the same words that are afterwards made use of at the close of the charter of 9 Hen. III. and that the same charter was more solemnly published, and many duplicates thereof distributed to the people, at

A.D. 1217.
1 Hen. III.

^t The assembling of a parliament about this time, wherein the great charter was confirmed, though it has escaped the notice of all our antient historians, (as doubtless many others have done) is farther evidenced by the report of a case determined in Easter term A.D. 1221, 5 Hen. III. wherein the great charter is vouched as a statute or act of parliament. *P. 5 Hen. III. Nota que home ne fuer mordauncestre apud Westminster dez terres en auter cunte. Ajuge par le court, pur ceo que serra encuntre l'estatut de magna carta;* *si non quod illa assisa semel interminata fuit coram justiciariis.* Fitz. Abr. part 2. fol. 120. b. tit. mordaunc. pl. 53. The reader will observe, that as this cannot refer to the charter of 9 Hen. III, by reason of it's earlier date, so neither can it refer to the charter of king John, nor to that of 12 Nov. 1 Hen. III; for in them there was no provision for adjourning assises into bank, if left on account of their difficulty undetermined by the justices of assise; but that clause was first added in the charter of A. D. 1217.

A.D. 1217.
1 Hen. III.

S. Paul's on the 6th of November, by the hands of Richard de Marisco then bishop of Durham and chancellor ^u. But, as this is entirely guess-work, the editor has avoided affixing any year of the king's reign to this charter: for, if it was granted in September, it was in the close of the first year of Henry the third; if in November, it was then in the beginning of the second, which commenced on the 19th of October. He has therefore rather chosen to distinguish it by the year of our Lord, 1217, in which it must indisputably be placed: for it cannot in any reason be placed earlier than the peace between Henry and Louis, on the 11th of September 1217; nor later than the 22^d of February following, (notwithstanding the authority of the Waverley annalist, and Robert of Gloucester, who are plainly a year behind-hand) since there are writs of that date upon the rolls directed to all the sheriffs of England, commanding them to publish in full county-court the two charters, and to cause them to be observed in all points; particu-

^u There is a blank in the close of the charter, page 70, which seems to have arisen from the uncertainty of the secretary how to entitle this instrument; and this may give some countenance to the supposition that the Oxford original was the very first draught of the charter in September, which was afterwards more fully attested and dated in November following.

larly

larly in that which relates to the demolition of ^{A.D. 1217.}
the adulterine castles ^{1 Hen. III.} .

IN these writs, of the 22^d of February ^{2 Hen. III.} 
1217, we find the first authentic mention of
a separate charter of the forest; which, as
was before observed, was now for the first
time drawn up: and therefore in the preamble
or direction of the great charter the word
forestariis is now also for the first time omit-
ted, and the few forest-clauses which remain-
ed in the charter of the 12th of November
1216, are likewise omitted in this; plainly
because the foresters had now a distinct char-
of their own. And accordingly we find, in

^w Claus. 2 Hen. III. m. 11. d.

Rex vicecomiti Eborum salutem Mit-
tinus tibi cartas de libertatibus concessis
omnibus de regno nostro tam de foresta
quam aliis Mandantes quatenus eas plene
legi facias publice in pleno comitatu tuo
convocatis baronibus militibus et omnibus
libere tenentibus ejusdem comitatus qui
ibidem jurent fidelitatem nostram Et tu
diligenter attendens singula puncta car-
tarum ea per omnia facias jurari et ob-
servari et id maxime quod in fine magne
carte appositum est de castris adulterinis
que ab irrisu guerre constructa fuerunt
vel reedificata diruendis omni occasione
postposita fieri facias secundum quod con-
tinetur in eadem carta quia id per consi-
lium domini legati et fidelium nostrorum
provisum fuit et in carta positum ad
maximam utilitatem et tranquillitatem

nostram et regni nostri Quia vero &c
Teste comite apud Sturminster' xxij die
Februarii.

Consimiles littere singulis vicecomitibus
Anglie.

M. Tyrrel (2 Hist. of Engl. 837.)
has very unaccountably surmised, that
the preceding writ contains a direction
to rebuild such lawful castles as had
been ruined during the civil wars;
whereas it is most manifestly the direct
reverse. Nor was either the precept
itself, or the name of adulterine castles,
an unprecedented thing; since we find
an article similar to this in the treaty of
Wallingford, after the civil wars be-
tween the empress Matilda and king
Stephen. *Castella adulterina, quae tem-
pore regis a quocunque constructa sunt,
diruentur.* (Matth. Paris. A.D. 1153.)

the

A.D. 1217.
2 Hen. III.

the several manuscript copies below-cited ^x, a charter of the forest dated the 6th of November, *A.D.* 1217, almost constantly subjoined to the great charter which bears the same date. Nor indeed is it possible to conceive, as was formerly hinted ^y, that the charter of the forest attributed to king John could be originally made in his reign. For in the fifteenth chapter the outlawry of all persons is reversed, who had suffered for offences against the forest before the first coronation of the king; so that those who were outlawed since were left at the mercy of the crown. Now it cannot be believed, that when a remedy was obtained sword in hand from king John, to redress the oppressions that had prevailed in the forest as well as elsewhere during his tyrannical reign, those persons should be excluded from it's operation, who had suffered under those oppressions during the sixteen years next immediately preceding: whereas the provision is fair and reasonable, if we refer it's original to the charter made now by king Henry's ministers, within a year after such his coronation, which happened (we may remember) upon the 28th of October. And this leads us to observe another inter-

^x See note (s) immediately preceding.

^y See page xxxv.

nal mark, which will nearly fix the first rise of this forest charter; viz. the pardon granted, in chap. 4, of all purprestures, wastes, and assarts, committed in the forest to the beginning of the second year of the king's coronation; which time exactly coincides with the 6th of November *A. D.* 1217, when (according to the supposition before adopted) the charter of the forest was first publicly promulged to the people. *A. D.* 1217.
2 Hen. III.

THIS original charter of the forest, and all authentic records of it, are at present lost: but that such a one did actually exist we may be assured, not only from the evidence before stated, but also from a writ recorded in the patent rolls, dated the 24th of July following; *A. D.* 1218. which directs a perambulation to be made, and the bounds of the forest to be settled, according to the tenor of the charter of forest-liberties which the king had granted². And

² *Pat.* 2 *Hen. III.* p. 2. m. 2.

Rex &c omnibus vicecomitibus Anglie per quorum ballivas Johannes Mar' capitalis justiciarius de foresta Anglie transsiturus est salutem Precipimus vobis quod statim cum dilectus et fidelis noster Johannes Mar' capitalis justiciarius noster de foresta Anglie transsitum fecerit per ballivas vestras ad deafforestand' per preceptum nostrum forestas illas que deafforestari debent et separari ab aliis que foreste permanebunt secundum tenorem carte nostre de

libertatibus forestarum quas concessimus probis hominibus nostris per regnum nostrum Anglie adhibitis cum unoquoque vestrum in singulis comitatibus quatuor legalibus et discretis militibus qui eligantur de legalioribus et discretioribus militibus cujuslibet comitatus ad faciend' perambulationem per visum prefati J. Mar' forestarii nostri inter partes illas que deafforestande sunt et illas que foreste permanebunt et metas forestarum et terminos similiter partium deafforestationum distinge

A.D. 1218.
3 Hen. III.
in the same year the computed expenses of this perambulation were charged and levied on the several counties concerned ^a. In which year also, about the 6th of November ^b, a new great seal was made for king Henry, and then began to be used in sealing writs of course; but was forbidden to be put to any thing which might tend to perpetuity, till the king should arrive to full age ^c. And cardinal Gualo, whose name has so often occurred in these transactions, left England about three weeks afterwards ^d.

et aperte faciatis irrotulari et metas et terminos eisdem irrotulatos et nomina militum qui prefate perambulate faciende interfuerunt nobis sub sigillis vestris et sigillis illorum qui interfuerint inquisitioni faciende transmittatis Teste comite apud Leic' xxiiiij die Julii anno Etc secundo.

^a *Homines de Dorset et Somerset C. l. pro perambulatione facienda in partes illas in comitatibus de Dorset et Sumersat que deafforestande sunt et illas que foreste remanebunt secundum tenorem carte regis de libertatibus foreste et pro metis et terminis ponendis inter utrasque partes illas et pro deafforestatione parcium illarum que deafforestande sunt sicut predictum est secundum metas et terminos predictos. Mag. Rot. 3 Hen. III. rot. 14. b. cited in Madox's history of the exchequer, pag. 285. note (g).*

^b *Annal. Waverl. A.D. 1218.*

^c *Pat. 3 Hen. III. m. 6.*

Prime littere novi sigilli domini regis de cartis vel litteris patentibus non faciendis Et hic incipit sigillum domini regis currere.

Henricus Dei gratia rex Anglie Etc Omnibus has litteras inspeturis salutem Sciatis quod provisum est per commune consilium regni nostri Anglie quod nulla carta nulle littere patentes de confirmatione alienatione venditione vel donacione seu de aliqua re que cedere possit in perpetuitatem sigillentur magno sigillo nostro usque ad etatem nostram completam Testibus Gualone titulo sancti Martini presbitero cardinali et apostolice sedis legato domino S. Cant' archiepiscopo domino Waltero Ebor' archiepiscopo Wilhelmo Marescallo comite Penbr' Huberto de Burgo justiciario nostro Anglie coram W. London' episcopo [et aliis quamplurimis] Provisum est etiam per commune consilium regni nostri et coram predictis omnibus quod si aliqua carta vel alique littere patentes fuerint secundum aliquam predictarum formarum sigillate inveniuntur predicto sigillo irritate habeantur et inanes Testibus prenomatis et multis aliis.

^d *Ann. Waverl. A.D. 1218. R. Coggesh.*

WE find no farther mention of the charters for some time; but in the latter end of the year 1222 there happened a circumstance, upon which a considerable stress is laid by Matthew Paris, and those of our historians who (following his authority) suppose that no charter of liberties was hitherto granted by king Henry; as if it were productive of the grant, which was made about two years afterwards. This was the issuing of writs to all the sheriffs in England, to make an enquiry (as he tells us) by the oath of twelve knights in each county, what were the liberties used in England in the reign of king Henry the second: which enquiry he supposes to have arisen from a demand of the prelates and barons, that the young king should confirm the liberties for which the war was begun against his father. But the writs themselves, when inspected^c, import nothing less than what he has distorted them to prove; being only a command to enquire what customs and liberties king John, not the people, had enjoyed before the commencement of the barons' wars; which rights of the crown had probably fallen into disuse and oblivion during those intestine commotions.

*A.D. 1222.
7 Hen. III.*

^c *Claus. 7 Hen. III. m. 14. d.* dated 1 Brad. Append. 163.
the 30th of January, and printed in

A.D. 1223.

BUT there was another circumstance, which happened in the succeeding year, and seems of much greater importance: the bulle of pope Honorius the third, which Hubert de Burgh the justiciary had obtained, declaring king Henry of full age in many respects^f, though then only in his seventeenth year; and commanding all those who had possession of the king's castles, honors, and lands, to deliver them up to him, upon pain of ecclesiastical censures. What these were, had probably been ascertained by the inquisitions of the preceding year; but the discontents of those barons, who had usurped these possessions of the crown, and were now compelled to restore them, occasioned no small disturbance. They seem to have feared a general resumption even of the liberties conceded by the two sacred charters, now the king was declared of full age by the papal power; and therefore infused into the minds of the people the necessity there was, that he should now confirm in his majority the liberties which he had granted in his childhood^g. Accordingly they took an opportunity in the succeeding year, when the king had an ur-

8 Hen. III.

^f Matth. Paris. Chron. Dunstapl. *puero concessas, jam major factus indul-*
^g — *Quod rex libertates, prius ab eo* *scripsit.* Chron. Dunstapl. *A.D. 1225.*

gent occasion for a present supply, to demand a renewal of the charters; which was agreed to and performed in parliament, on the 11th of February, the king being then in the eighteenth year of his age; and a fifteenth was thereupon granted for the recovery of his ducal dominions in France ^h.

*A.D. 1224.
9 Hen. III.*

MATTHEW Paris informs us, that an original great charter under seal was sent to every county in England, and to those which had forests within them a charter of the forest also; notwithstanding which it is surprising how few of these originals are at present extant. That historian himself, it is plain, had never seen one of them; else he could not have asserted, that they agreed so entirely in every point with the charters of king John ⁱ; the truth of which assertion a very slight inspection will easily decide. M. Selden, notwithstanding his extensive researches, appears to have been ignorant that any originals of king Henry's charters were in being ^k: and the only one referred to by sir Edward Coke ^l, as being at Lambeth with

^h Matth. Paris. Chron. Dunstap. H. Knyghton.

^k Titl. of Hon. b. 2. c. 5. §. 21. Not. on Drayt. f. 17. Table-talk. 2058.

^l *Chartae utrorumque regum in nullo conveniuntur dissimiles.*

^l 2 Inst. proöm.

A.D. 1224.
9 Hen. III.
the archbishop of Canterbury, was possibly the *capitula* of king John's beforementioned; since no original of Henry the third's has ever yet been produced from thence. Doctor Brady, misled by Matthew Paris, even doubts whether Henry granted any charter in other form than that of Runingmede; and thinks the great charter, commonly attributed to that prince in our statute books, was properly the charter of Edward the first, or perhaps rather his explication and enlargement of that charter of king John and Henry the third^m: not being aware of the express provision in one of Edward's own statutes, which directs that in all exemplifications of former charters the original shall be faithfully transcribedⁿ. M. Tyrrel tells us^o, that sir Nathaniel Powel (who was king's counsel) had a fair original, which was supposed to have belonged to Battel abbey, and which he himself had seen: but what is now become of this, the editor has not been able to learn. M. Carte speaks^p of two originals, still preserved under seal; one in the church of Norwich, (which enabled, he says, doctor Prideaux to correct sir Edward Coke's mistake in the

^m Introduction. 210, 211.

^o 2 Hist. of Engl. 1104. 3 Hist. of

ⁿ *De verbo ad verbum, sine additione,* Eng. Append. 17.

mutatione, transmutatione, vel aliqua P 2 Hist. of Engl. 29.

diminutione, scribitur. 13 Edw. I. ft. 6.

archbishop of Canterbury's name put to it as one of the witnesses) the other in the church of Durham. But, upon enquiry at the church of Norwich, the editor is assured from unquestionable authority, that there is no such original there, but only a very antient copy¹. That at Durham is indeed an original, of inestimable value; with the great seal still remaining to it, impressed upon green wax, and entirely perfect, as represented in the plates, page 91 and 107, inclusive of the shaded parts¹. But the charter from whence the

A.D. 1224.
9 Hen. III.

1 If the passage in doctor Prideaux, referred to by M. Carte, be that in his *Original and Right of Tithes*, (p. 268.) as may well be presumed; it will be found that he expressly mentions only "the copy of *magna charta* which we have here at Norwich, in the archives of the cathedral church," and therein he observes that the archbishop's name is not Boniface, as in the common printed copies, but Stephen. He pretends not to correct sir Edward Coke in particular; to whom not even the blame of continuing, much less the blame of beginning, this mistake can with justice be imputed; but to the editors of his posthumous work, (2 Inst. 76.) who copied the blunder from our most antient statute books. In those **B**. was at first printed, by mistake of the compositor, instead of **S**. and in subsequent editions the error was extended into **Boniface** at full length, who was not made archbishop till A.D. 1245. But sir Edward Coke

himself (in the proeme to his second institute) very accurately reckons, among the witnesses to the great charter, Stephen Langton archbishop of Canterbury. Nor indeed was doctor Prideaux the first corrector of this anachronism; for others, and particularly M. Selden, (Not. on Drayton. f. 16.) had observed it long before him.

2 This charter has been carefully collated for the editor by the two gentlemen beforementioned, doctor Dickens and M. Bowlby; and he has also been favoured with the examination of a very exact copy taken for sir Martin Wright, late one of the justices of the court of king's-bench, under the inspection of doctor Bland, then dean of Durham; which copy is the more curious and valuable, as since it was taken the charter itself has been in some degree defaced and obliterated, by the unfortunate accident of overturning a bottle of ink.

following

A.D. 1224.
9 Hen. III.

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following

A.D. 1224.
9 Hen. III.

following edition * is taken (the sheets being corrected by the original as they came from the press) is one with which the editor was favoured by John Talbot, esquire, of Lacock in the county of Wilts; and which, by the misfortune which has happened to that of Durham, now remains a singular curiosity; as being the only fair and perfectly complete original of this date at present known to be extant. It is in breadth twelve inches and three quarters, and in length (including the fold) twenty inches and an half. The seal is of green wax, pendent by a skein of green silk; and is somewhat defaced, as may appear from the plates, page 91 and 107, wherein it's imperfections are shaded. It has the following endorsement on it in a cotemporary hand: *Ex deposito militum Wiltisr'. Henrici regis filii Johannis regis de libertatibus et quibusdam consuetudinibus per Angliam constitutis.* Of which the former part probably signifies, that, as one charter was sent to every county, this was the charter designed for the use of the knights or military tenants of Wiltshire; and it seems to have been deposited for that purpose in the monastery of Lacock by the gallant foundress, Ela countess of Salisbury; whose husband William Lungeſpee was she-

* pag. 73.

riff of Wiltshire from the fifteenth year of ^{A.D. 1224.} king John till his death in the tenth of ^{9 Hen. III.} Henry the third, (during which period this charter was granted) and she herself executed the same office for the two succeeding years ¹.

NEXT to these originals, the authentic entry of the great charter in the red book of the exchequer at Westminster^u deserves to be particularly taken notice of, which the editor has carefully collated: and next to that the charters of *Inspeximus*, 28 Edw. I; of which there is one under seal in the archives of Oriel college in Oxford, indorsed in a cotemporary hand, *De libertatibus ecclesie Anglicane*; and another in the archives of the collegiate church of Westminster, the seal whereof is lost, but the slit for the label remains. This last is now pasted on cloth for it's better preservation; and till that was done the word "*Wilts*" was to be seen at the bottom, (according to the information of the reverend M. Widmore the librarian) which was then unwarily cut off; but at first denoted, it should seem, a like deposit of this exemplification as of M. Talbot's original char-

^t 1 Dugd. Bar. 175, 177.

^u fol. clxxxiiij.

*A.D. 1224.
9 Hen. III.*

ter v. Both these have been collated by the editor, as have also two enrollments in the tower of London; one in the statute roll, of an *Inspeximus* 25 Edw. I, the other in the charter roll, of the *Inspeximus* 28 Edw. I, beforementioned: and the various readings of all of them are here printed as faithfully as he can presume to warrant in a matter so liable to error and distraction. It has not been thought necessary to remark mere transposition of words, occasioned by the haste of the antient amanuenses; nor every minute singularity in spelling the names of the witnesses, which are in some measure different in every copy extant ^w.

THE variations of this charter from that of *A.D. 1217*, will be found in the same manner as those of that charter from former

v There is likewise preserved, in the town-chest of Appleby in Westmorland, an extremely fair *Inspeximus* of 28 Mar. 28 Edw. I. under seal; a copy of which was sent to the editor, since the publication of the quarto edition, by the reverend and learned doctor Burn. It in general agrees, in its various readings, with the other charters of *Inspeximus* of the same date; but has the peculiar local distinction of being marked at the bottom (near the seal) with the words, *Exam'. Westmerl'*; as the charter at Westminster was formerly marked with *Wils'*.

w The editor has also been favoured with the collation of a very curious and apparently cotemporary roll, containing both the great charter and that of the forest, of 9 Hen. III; which formerly belonged to the abbey of Hales-Owen in Shropshire, and is now in the possession of the right honourable the lord Lyttelton. But as the plan of this edition is confined to charters which have passed the great seal, or else to authentic entries and enrollments of record, under neither of which classes lord Lyttelton's roll can be ranked, it's various readings are not inserted.

ones,

ones, by comparing it's several chapters (ac- ^{A.D. 1224.} ^{9Hen. III.} cording to the vulgar, though sometimes im- proper, division in our statute books) which are herein distinguished by ciphers, with the corresponding sections of the charter immediately preceding, pointed out by the numeral letters *. The chief alterations are these: — in the preamble, the insertion of the words *spontanea et bona voluntate nostra*, instead of *consilio Gualonis, &c*; occasioned perhaps by some jealousy, that the king might declare his former charters to have been granted by others, who made use of his name in his minority, and therefore not binding upon himself: — in chap. 18, the insertion of the words *et pueris suis*, omitted (as it seems) by mistake in the preceding charter: — after chap. 37, the transposition of chap. xlv and xlvi of the former charter, for the sake of more regular order: — the omission of chap. xlvii of the same, concerning the adulterine castles;

* Thus (in page 85) chap. 31 is also marked with number xxxviii, which shews that §. 31 of the 9Hen. III. corresponds with §. 38 of the charter A.D. 1217; which §. 38 of the charter A.D. 1217 (in page 67) being also marked with number xxxv, shews it to correspond with §. 35 of the charter 1 Hen. III; and this §. 35 of the charter 1 Hen. III. (in page 53) being also marked with number xliii, it

shews that this answers to §. 43 of king John's charter; and by the same rule it will be found that §. 43 of king John's charter (in page 27) being marked with number xxxvi, corresponds with §. 36 of the preceding articles in page 8: so that, by this method of double numeration, any clause in any of the charters may be traced back, through it's several mutations, to the original draught in Runingmede.

that

A D. 1224.
9 Hen. III.

that matter being now probably settled, and the clause considered as temporary only: — the mention of the fifteenth being given as a consideration for the grant of these liberties: — the addition of the king's engagement (taken from chap. 61 of king John's charter) not to procure any thing to be done, which might infringe or weaken the present grant; and the declaring all such to be void: — and, finally, the attestation of this charter by so great a number of witnesses, both spiritual and temporal lords; whereas none are subjoined to the charter immediately preceding.

THE charter of the forest, which follows next in this edition^y, is printed from an original in the archives of the cathedral at Durham; the seal whereof, being of green wax, is still perfect, but the body of the charter has been unfortunately grawn by rats, which has occasioned pretty great mutilations. These are supplied from a cotemporary entry in the leger-book of the chapter, according to the accurate copy transmitted by dean Bland to sir Martin Wright; the insertions being here printed in italic characters. It was judged proper in the present impression to make this

the text or standard, because, imperfect as it is, there is no other original charter of the forest now known to be extant. This original has been collated for the editor, by the gentlemen at Durham beforementioned, with a perfectly complete *Inspeximus* of 28 Edw. I, preserved in the same archives; and by himself with another of the same date belonging to Oriel college; both under the great seal: and he has also collated it with two enrollments in the tower of London; one in the statute roll, of an *Inspeximus* 25 Edw. I, the other in the charter roll, of the *Inspeximus* 28 Edw. I, beforementioned. Of each of which the various readings are printed at the foot of the page.

*A.D. 1224.
9 Hen. III.*

IT will easily be perceived, that the first chapter of this forest-charter has respect to chap. 53 of king John's; the execution whereof was respited by the first charter of Henry III: — that the second chapter is in a manner transcribed from chap. 44 of king John's, and chap. 36 of 1 Hen. III: — that the third and fourth chapters are an execution of chap. 47 and part of chap. 53 in king John's, and of chap. 36 in 1 Hen. III: — and that the rest are an amplification and extension of chap. 48
of

A.D. 1224.
9 Hen. III.
of king John's charter, for abolishing evil customs respecting the forest ^z.

A.D. 1225.
WHEN these charters were thus renewed, Matthew Paris relates that, about a month after the ensuing Easter, a perambulation was made of the bounds of the forests throughout England, and all the new-made forests were actually de-afforested; all persons, both great and small, being so fond of exerting the liberties which were granted them, that not an iota contained in the king's charter was overlooked. But, towards the end of the next year, in February 1226, the king, being now in the twentieth year of his age, called a council or parliament to meet at Oxford; and therein, declaring himself of full age to all intents and purposes, took the administration of affairs into his own hands ^a: which declaration of his was immediately afterwards confirmed and seconded by a bulle of pope Gregory the ninth, dated the 13th of April 1227, and recorded in the red book of the exche-

^z It should not be omitted that in lord Lyttelton's roll, at the end of chap. 14, the following clause occurs; *De boscis autem aliorum nullum detur chuignagium forestariis nostris preterquam de dominicis boscis nostris.* This is not to be found in any of the authentic charters or enrollments which the edi-

tor has had opportunity to consult; but, which is somewhat singular, the same clause is to be met with in that charter of the forest which Matthew Paris has adopted for king John's.

^a Matth. Paris. Matth. Westm.

quer^b. At the same time the king is said to have revoked all the charters of the forest, as being granted when he had no power over himself or his seal; which occasioned great murmurs, and at last menaces from divers of the nobility assembled at Stamford in the ensuing summer, who gave out that unless the king renewed the same without delay, they would compel him with their swords to give them the satisfaction required. But Henry found means, by yielding up some lands which were claimed by the earl of Cornwall their leader, to pacify this opposition without any renewal of the charters^c. And the annals of Waverley, *A. D.* 1232, take notice, that though this was the eighth year since the grant of two charters was purchased by the parliament from king Henry, and though the archbishop and his suffragans, in the presence of the king and his nobles, had pronounced their anathemas against all who should presume to infringe them, yet the yoke of slavery was now heavier than ever, especially with regard to the forest^d.

*A.D. 1227.
11 Hen. III.*

*A.D. 1232.
16 Hen. III.*

^b fol. clxxi.

^c Matth. Paris.

^d — *Prob doler, aggravatum est jam*

*jugum servitutis, et maxime de foresta fr
novissimum pejus priori.*

HOWEVER,

A.D. 1236;
21 Hen. III.

HOWEVER, about four years afterwards, a parliament being summoned to meet at Westminster on the 20th of January 1236^c, when the government had a necessity for a large supply, the nation took that opportunity to demand a confirmation of the two charters, now the king was undoubtedly of full age. He complied with their request by a charter dated the 28th of January; of which there is an original extant under seal in the Bodleian library among M. Furney's collection, perfectly fair and complete, being six inches and three quarters broad, and nine inches and an half long, including the fold for the label; from whence the following edition^f is taken. There is also an enrollment of the same in the charter roll^g, and a very antient copy of it in the Cottonian library^h; and it is likewise inserted by Hemingford in his chronicleⁱ, subjoined to an *Inspeximus* of the great charter. The parliament as a proof of their satisfaction upon this concession, granted the king a thirtieth of their moveables^k; whereupon, in May following, he sent the

A.D. 1237.

^c Matth. Paris. Matth. Westm.

T. Wikes.

^f pag. 104.

^g Cart. 21 Hen. III. m. 7. n. 4.

^h Galb. E. 4. 57.

ⁱ pag. 570.

^k Chron. Dunstap. Matth. Paris.

Ann. Waverl. &c.

charter

charter to all the sheriffs in England, commanding them by writ to read it in full county court, and cause it to be firmly observed ¹. A.D. 1237.
21 Hen. III.

WE hear nothing farther of the charters till the year 1253; when the king, having occasion for another supply to support his projected expedition into Gascoigne and the holy land, summoned a parliament to meet on the 5th of May^m; wherein the laity gave him a scutage of forty shillings upon every knight's fee, and the clergy three years tenths of their ecclesiastical revenues. The latter however complained much of the infractions of the great charter, particularly with regard to the privileges of the church: whereupon the charters were re-publishedⁿ; and the sentence of excommunication, which had before been more privately denounced A.D. 1224 and 1237^o, was again renewed on the 13th of May with very great magnificence and solemnity in Westminster-hall, the king himself and his nobles attending in person. Mat-

¹ Claus. 21 Hen. III. m. 15.

Mandatum est vicecomiti Cornub' quod carta regis quam fieri fecit archiepiscopus episcopis &c et omnibus aliis de regno suo Anglie de libertatibus et quietanciis eis concessis per aliam cartam regis eis factam dum infra etatem fuit in pleno comitatu suo legi faciat et firmiter teneat T. R. apud

Westm' xxvi die Maii.

^m *Quindena Pasche*; (Matth. Paris.) Easter falling that year on the 20th of April. (Dufresne, t. Annus.)

ⁿ Matth. Paris. Ann. Waverl. Hemmingsford. Trivet. &c.

^o Matth. Paris. T. Wikes. Ann. Burt.

A.D. 1253.
37 Hen. III.
 thew Paris relates, that at the end of this sentence, when the prelates cast down their tapers extinguished and smoking, with this execration, “so may all that incur this sentence be extinguished and stink in hell,” the king immediately subjoined, “so help me God, I will keep all these things inviolate, “as I am a man, as I am a christian, as I am “a knight, and as I am a king crowned and “anointed.”

THERE are many copies of this sentence extant; in Matthew Paris, the annals of Burton, Walter Hemingford, Matthew of Westminster, and most of the antient manuscript collections of statutes in our public libraries; no two of which in all points agree. The copy printed in the following edition ^p is taken from what seems to be the most authentic extant, a coeval entry in the red book of the exchequer at Westminster ^q, which yet is not without it's inaccuracies.

THE wording of some part of this sentence is extremely peculiar, and seems artfully calculated to assert all the liberties claimed by the church, whether contained in the charters or not: particularly, the including

^p pag. 109.

^q fol. ciii^{xxiiiij}.

under this curse even the legislature itself if ^{*A.D. 1253.*}
it makes or hath made any statute, and the ^{*37 Hen. III.*}
judges if they presume to give judgment in
consequence of any statute, infringing such
ecclesiastical liberties. As, besides the gene-
ral independence of the civil state which was
affected by the popish clergy, this seems to
have a special reference to the transactions
before, at, and after the parliament of Mer-
ton, *A. D.* 1235, in the 20th of Henry the
third, concerning the matter of special bastar-
dy, it may not be amiss to look back a few
years, and give a short explication of that
controversy.

A SPECIAL bastard, that is, one born be-
fore marriage of parents who intermarry af-
terwards, is for very good reasons not ad-
mitted to inherit lands by the law of Eng-
land; but by the roman civil law he was
capable of succession^r, and therefore the ca-
non law allowed him to be legitimate with
respect to orders and other ecclesiastical mat-
ters. In the year 1180, 26 Hen. II, pope
Alexander the third took upon him to publish
a decretal letter^s, directing children thus cir-
cumstanced to be admitted to the secular in-
heritances of their parents, under pain of spi-

^r Inst. I. 10. §. 13.

^s Decretal. IV. 17. 1.

A.D. 1253.
37 Hen. III.
 ritual censures. Hereupon, as may be collected from Glanvil¹, a question began to be moved, even in the time of Henry the second, how far such child was now made inheritable in England; which he clearly decides in the negative. But as the trial, whether bastard or not, in case of a disputed succession, (being usually a question relating to the marriage of the parents) had hitherto been always had before the bishops, and certified by them to the king's justiciaries, therefore inquisitions of this kind still continued to be sent to their courts. To these the bishops made returns, sometimes evasive and cavilling, sometimes in conformity to the canonical notion of bastardy, though directly contradictory to the law of the land. To remedy which, it was ordained in a parliament held at Tewkesbury, 12 October *A.D.* 1234, 18 Henry III, that for the future, whenever special bastardy was pleaded, the form of the inquisition directed to the bishop should be to enquire, not "whether bastard or no," but "whether born before nuptials or no;" to which the ordinary should return a plain and categorical answer: that, accordingly as this

¹ b. 7. c. 15.

fact was certified, the king's courts might determine the legitimacy ^{A.D. 1253.} ^{37 Hen. III.} 

THIS cut off all hopes of introducing the canonical doctrine of legitimation into the english law; and therefore at the parliament of Merton, which was held the next year, (23 January *A. D.* 1235, 20 Henry III) the prelates determined to make one bold effort to carry their point, by openly avowing that they neither would nor could, without derogating from their ecclesiastical dignity, make any return to the king's courts upon the writ of inquisition thus newly altered; because that would be to the prejudice of holy church ^u.

^u *Die Jovis proxime post festum sancti Dionisii, anno regni Henrici filii regis Johannis xviii, coram ipso domino rege et subscriptis, convocato consilio provisum fuit et concessum quod de cetero cum bastardia objecta fuerit alicui de tali causa in curia domini regis quod bastardus sit, et ideo bastardus quia natus ante sponsalia vel matrimonium contractum inter patrem suum et matrem suam, mittatur loquela ad ordinarium loci et fiat inquisitio per hæc verba, utrum videlicet talis natus fuerit ante sponsalia sive matrimonium vel post, et referbat ordinarius per eadem verba domino regi sine aliqua cancellatione. Bracton. b. 5. de exceptionibus. c. 19. §. 2. This passage is here cited according to M. Selden's emendation; not according to the vulgar reading, which instead of *anno regni Henrici filii regis Johannis xviii* has *anno eodem*; and*

so, by an unwary reference to the preceding context, seems to place this ordinance in the 20th of Hen. III, subsequent to the parliament of Merton; although the proceedings there have an evident relation to something of this kind that had passed before. M. Selden however, (*Tit. of Hon. b. 2. c. 5. §. 23.*) has produced an original record, which Bracton appears to have almost verbatim transcribed, (*Placita apud Theobesburiam 18 Hen. III. d. ret. 15.*) excepting only the date of it, which is in the roll according to what is here printed.

^w *Nec voluerunt, nec potuerunt, sine prejudicio ecclesiasticæ dignitatis, respondere ad breve super hujusmodi inquisitione faciendâ, &c; quia hoc esset in prejudicium sanctæ ecclesiæ. Bracton. ibid. §. 1.*

And,

A.D. 1257.
37 Hen. III.

And, as they were thus resolved not to depart from their own law, they requested the temporal lords for the sake of uniformity to consent to the reception of pope Alexander's canon, which legitimated such special bastards even with respect to inheritances: but the nobility rejected their proposal with a spirit that does honour to their memory *.

UPON this refusal of the bishops to answer the king's writ, in open defiance of the laws †, the secular judges began to consider, what method was proper to be taken to ascertain the fact of special bastardy, when brought in question before the king's courts. And they soon perceived, that when special bastardy was pleaded in bar of a descent or the like, it was not properly a question of a spiritual nature; for the legality of the marriage (which,

* Stat. Merton, 20 Hen. III. cap. 9.

Ad breve domini regis de bastardia utrum aliquis natus ante matrimonium habere poterit hereditatem sicut ille qui natus est post responderunt omnes episcopi quod nolunt nec possunt ad istud respondere quia hoc esset contra communem formam ecclesie. Ac rogarerunt omnes episcopi magnates ut consentirent quod nati ante matrimonium essent legitimi sicut illi qui nati sunt post matrimonium quantum ad successionem hereditariam quia ecclesia tales habet pro legitimis. Et omnes comites et barones una voce responderunt quod

nolunt leges Anglie mutare quae hucusque usitate sunt et approbate.

In some very antient copies of this statute (particularly in MS. Bodl. NE. F. 2. 4.) this clause is immediately subjoined to the foregoing:

Et ideo dominus rex habet consilium suum sub qua forma procedere voluerit ad inquisitionem in curia sua de talibus sic natis.

† In defectum episcoporum quia contrarii sunt legibus et consuetudinibus Anglie. Bracton. ibid.

being

being supposed a sacrament, was under the bishop's cognizance) was confessed on both sides, and the dispute could only be concerning the priority or posteriority of the birth^z, which was a matter whereof the laity were as competent judges as the clergy. They therefore held that this question might well be determined in the king's courts by jury, without resorting to the ordinary^a: and so it came to be established law^b, that, though general bastardy shall be tried by the bishop's certificate, yet special bastardy shall be tried by a jury^c.

A.D. 1253.
37 Hen. III.

^z *Nihil pertinet ad judicem ecclesiasticum cognoscere de prioritate vel posterioritate natiuitatis ejus cum opponitur bastardia, cum sponsalia vel matrimonium hinc inde concessa sint.* Bracton. *ibid*.

^a Bracton. *ibid*. Flet. b. 6. c. 39. §. 4.

^b Dyer 79. 2 Inst. 99.

^c The progress of this affair is also very fully and authentically stated in the following entries upon the roll:

Claus. 20 Hen. III. m. 13. d.

Constitutiones facte apud Merton superius innotulate [yet none such appear upon the roll] *scilicet xii^o die Februarii sigillate fuerunt sigillo domini regis transmissæ sunt in Hyberniam ut currant in partibus illis et teneantur sicut in Anglia et de hoc fit mentio in breui directo justiciario Hybernie inferius innotulato.*

Henricus Dei gratia rex Anglie &c venerabili patri L. eadem gratia archiepiscopo Dublinⁱ et dilecto et fideli suo M. filio Geroldi justiciario suo Hibernie salutem Accedens nuper ad curiam nostram

Georgius de Laffidellⁱ nobis ex parte vestra supplicavit ut vobis scire faceremus quid juris sit secundum consuetudinem Anglie in casibus subscriptis videlicet cum contingat filium alicujus nobilis natum ex matrimonio movere questionem fratri suo in fornicatione ante matrimonium de eadem matre progenito super paterna hereditate Item si contingat quod frater natus ante matrimonium defendendo se dicat se esse legitimum utrum in tali casu sit mittendus ad forum ecclesiasticum &c Item si mittendus sit in qua forma &c Ad hoc vobis significamus de primo capitulo quod si natus ante matrimonium cui movetur questio cognoscat se natum esse ante matrimonium nec petere potest hereditatem nec petitam retinere secundum Anglie consuetudinem Nec talis si dicat se natum esse post non est mittendus ad curiam christianitatis eo quod clerus talem habet pro legitimo Cum autem de casu illo anno preterito translationⁱ esset coram venerabili patre archiepiscopo Cantⁱ et corpiscopis suis et magnatibus nostris Anglie scilicet utrum

A.D. 1253.
37 Hen. III.

THE bishops, being thus abridged of one branch of their spiritual jurisdiction, were doubtless not a little chagrined at the unexpected turn which this matter had taken, and the loss of that authority which their own obstinate politics had brought upon them: which will afford us the proper key to those obscure and extraordinary clauses in the sentence of excommunication now before us; whereby they tacitly meant to subject to the curse of God the makers of the statutes of Tewkesbury and Merton, as well as the temporal judges who had so far improved upon those statutes, as to establish a new tribunal for deciding this question in exclusion of the spiritual courts. But of this the king, his nobility, and the people, appear to have been well aware; and therefore entered upon the public records ^d the remarkable protest, which in the following edition is printed immedi-

inquisitio de tali nato deberet fieri in curia nostra vel in curia christianitatis tandem predictus archiepiscopus et episcopi petierunt sibi dari potestatem inquirendi. Postea vero processu temporis quia in forma brevis nostri eis super hoc transmissi contentum fuit quod respondere deberent utrum talis natus esset ante matrimonium vel post videntes hoc esse contrarium legibus suis voluerunt ad hoc respondere et reliquerunt

nobis et curie nostre hoc inquirendum et terminandum. Et nondum provisum est in curia nostra sub qua forma hoc debeat inquiri vel per sacramentum xii juratorum vel per probationem a partibus produendam . . . Hiis igitur intellectis securum quod predictum est in partibus vestris faciatis. Teste rege apud Mortclac' ix die Maii.

^d Pat. 37 Hen. III. m. 13. d.

ately

ately after the sentence ^c, as a perpetual memorial what part of it was inserted by general consent, and what otherwise. The pope however by his bulle, on the 21st of September following ^d, confirmed this anathema *in totidem verbis*; and it was afterwards made a part of the english canon law by a provincial constitution of archbishop Peckham, *A. D.* 1281, 9 Edw. I^e.

OUR histories and records continue silent ^e in regard to the charters, a few general confirmatory writs and proclamations excepted, till *A. D.* 1264, the forty-ninth of Henry the third; when the king and his son prince Edward were in custody of Simon Montfort earl of Leicester, and in order to obtain the prince's enlargement the king was obliged to set his seal ^f to the charter of the 14th of March, which is published from the original record ^g in the ensuing collection ^h. There is an antient manuscript in the Cottonian library,

^c pag. 111.

^d Ann. Burt. Hemingsford.

^e Lyndewode. b. 5. t. 17. pag. 354.

^f Wilk. Concil. M. B. 57.

^g The king, about five years before, (having renounced his title to Normandy, Anjou, &c, in favour of the king of France, for a present of 300000 l.) had changed his great seal, both in point of device and of legend; using a

sceptre with a dove instead of a sword for the ornament of his right hand, and abridging his stile by the omission of the words, *dux Normannie et comes Andegavie*, as appears in the plate, page 121. (Sandford's geneal. Histor. 90. Walsingh. Upod. Neustr. Trivet.)

^h Cart. 49 Hen. III. m. 4.

^k pag. 114.

A.D. 1264.
49 Hen. III.
 not only of this charter, but also of a similar one sealed by prince Edward at London on the 10th of March preceding; (at which time and place he was set at liberty ¹) and between them an *Inspeximus* and confirmation of the great charter dated the same 14th of March ^m. A copy also of this last *Inspeximus* and confirmation (comprizing both the charters) is to be met with in the Harleian library ⁿ, dated the 13th of March, and witnessed by nine bishops, Simon Montfort earl of Leicester, Hugh le Despenser the chief justiciary, and fifteen other temporal barons.

THE most observable part of the new charter here printed, besides it's confirmation of the two charters, (which alone would entitle it to a place in this collection) is the clause giving liberty to the king's subjects to rise against and distrein him to the utmost of their power, notwithstanding the allegiance which they owed him, in case he should transgress the conditions therein agreed on. This seems to be plainly copied from king John's great charter, chapter 61, with some alterations; particularly in that here there is no exception in respect of the safety of the king's royal

¹ *Pat. 49 Hen. III. m. 19.* in 1 Brad. Append. 243.

^m *Claud. D. 2. fol. 137, &c.*

ⁿ numb. 489.

person and family. And yet in both these *A.D. 1264.*
49 Hen. III.
 cases, the instant they got out of the hands
 of their respective enemies, neither father nor
 son paid any regard to concessions thus com-
 pulsively extorted. So impracticable is the
 attempt to restrain even limited monarchs by
 any express provisions which argue a degree
 of distrust inconsistent with monarchy itself.

THERE occurs nothing farther worth con- *A.D. 1267.*
52 Hen. III.
 sidering, in relation to the charters, during
 the reign of this unfortunate prince; except
 the general provision for their observance in
 the fifth chapter of the statute made at Marle-
 berge, the 18th of November *A. D.* 1267,
 which is printed in the following collection^o,
 but needs no comment or historical illustra-
 tion.

HENRY the third died the 16th of Novem-
 ber *A. D.* 1272, and was succeeded by his
 son Edward the first, a prince of a very diffe-
 rent character; in whose reign, glorious as it
 was to himself and advantageous to his people
 in general, we find little mention of the char-
 ters, till the year 1297. The king then me- *A.D. 1297.*
25 Edw. I.
 ditating an expedition into Flanders, the earl
 of Hereford lord high constable and the earl

A.D. 1297.
25 Edw. I.
 of Norfolk earl marescal refused to attend him in person, according to the duty of their stations, for which they were suspended from their offices. This occasioned them to raise a very formidable opposition to his measures, and to publish a kind of manifesto in the name of the prelates and barons, complaining among other things of the neglect into which the two charters of liberties had fallen^p. King Edward, alarmed at their proceedings, seems to have privately engaged to renew and confirm the charters on the usual condition of a supply: for archbishop Winchelsey on the 16th of July summoned the synod of his province to meet on the 10th of August, in order to consider of such renovation^q; but the clergy then declined granting any thing till the leave of the pope should be obtained. Whereupon the king upon the 12th of August published an answer to the manifesto of the earls, dated at Odymere near Winchelsey, which he sent to all the sheriffs in England; promising (among other things) to confirm at his return from Flanders the two charters, if the people would grant him an aid to supply his present necessities^r: and soon after,

^p Knyghton. Walsingham.

^q 2 Wilk. Concil. M. B. 226.

^r Pat. 25 Edw. I. p. 2. m. 7.

printed in 2 Brad. Append. 20.

on the 22^d of August^s, he embarked for the continent; leaving his son prince Edward, then thirteen years old, regent of the realm in his absence. A.D. 1297.
25 Edw. I.

A PARLIAMENT was soon after called, to meet on the 6th of October; mention being made in the writs of summons, that the purpose of the meeting was principally to confirm the two charters, and to grant a security that the late levy of an eighth (which in many of it's circumstances was illegal) should not be made a precedent, nor in any other shape should turn to the prejudice of the kingdom^t. At this parliament, on the 10th

^s 2 Rym. 791.

^t Claus. 25 Edw. I. m. 6. d. in 2 Rym. 793, and 3 Prym. 736.

Edwardus Dei gratia rex Anglie dominus Hibernie et dux Aquitanie vicecomiti Bed' et Buks' salutem Quia in levationem omnium incolarum et populi regni nostri pro octava omnium bonorum singulorum laicorum per totum idem regnum pro urgentissima nunc dicti regni contra Gallicos necessitate levanda concessimus pro nobis et heredibus nostris confirmare et firmiter teneri facere magnam cartam de libertatibus Anglie et cartam de libertatibus foreste et concedere omnibus et singulis ejusdem regni litteras nostras patentes quod dicte octave levatio non cederet eisdem in prejudicium servitutem exheredationem usum vel consuetudinem in futurum Tibi precipimus firmiter injun-

gentes quod sine dilatione aliqua quatuor de probioribus et legalioribus militibus comitatuum tuorum videlicet de quolibet comitatu duos eligi et eos plenam potestatem pro ipsis et tota communitate dictorum comitatuum habentes ad Edwardum filium nostrum carissimum tenentem in Anglia locum nostrum venire facias ita quod sint London' ad eundem filium nostrum modis omnibus in octabis sancti Michaelis proximo futuri ad ultimum cartas super confirmatione nostra cartarum predictarum et litteras nostras super dicta concessione pro ipsa communitate in forma predicta recepturi et facturi ulterius quod per dictum filium et consilium nostrum ibidem fuerit ordinatum Et hoc nullo modo omittatis Et habeas ibi hoc breve Teste Edwardo filio nostro apud sanctum Paulum London' xv die Septembris anno regni nostri xxv.

of

A.D. 1297.
25 Edw. I.

of October, the prince passed the statute usually called *Confirmatio cartarum*, in the name of his father, and in the form of a charter. This is entered on record at the tower^u, and differs in nothing material from the copy which is printed in the following edition, save only in the attestation, which runs thus; *Tesmoigne Edward nostre fitz a Londres le disme jour de Octobre lan de nostre regne vintisme quynt*. He also on the same day granted a pardon to the constable and earl marescall, together with John de Ferrers and all others who had refused to go into Flanders, in two instruments; one sealed with his own seal, the other with the seals of his council^w; and engaged to procure the king his father's ratification of both the charter of confirmation and that of pardon: upon which condition the two earls declared that they would support him to the utmost of their power not only in Flanders, but in Scotland; for in the latter a formidable force was now assembled under the command of William Waleys, which had defeated the king's army on the 11th of September preceding^x. On the 12th of October the great charter and charter of the forest were both of them recited and confirmed by

^u Stat. 25 Edw. I. m. 38.

cited in 2 Brad. 60.

^w Regist. Winchelsey. 227, 228.

^x Knyghton.

Inspeximus, tested in the name of prince Edward; the various readings of which exemplification are given in the following edition^y. And for these important concessions the clergy of the province or Canterbury gave a tenth, and those of York a fifth of their annual revenue, and the laity a ninth of their moveables^z.

A.D. 1297.
25 Edw. I.

As soon as the assembly broke up, the prince and his council sent over to the king in Flanders a copy of the charter of confirmation so granted in parliament, and also of the pardon to the two great earls and their adherents. The king, after some days deliberation, assented to both; and at Ghent on the 5th of November affixed his great seal to the respective instruments, as is witnessed in regard to the *Confirmatio cartarum* by this memorandum inserted in the record immediately after that enrollment: *E fet a remembrer qe meisme ceste chartre futh meismes les paroles de mot en mot fust sele en Flaundres de futh le grant seal le roy cest asaver a Gaunt le quint jour de Novembre lan del regne lavantdit nostre seignur le roy vintisme quint e envee en Engleterre.* This original charter of king Edward is still extant among the Cotton charters in

^y pag. 73 and 93.

^z Knyghton, Hemingford.

A.D. 1297.
25 Edw. I.

the British Museum ^a, being sixteen inches and a quarter broad, and six inches and a quarter in length including the fold for the label; part of which, being of parchment, is still remaining, but the seal is entirely gone. It was considerably shrivelled by the fire *A. D.* 1731; but, as the whole is still legible, though in some parts with difficulty, it was judged proper to take the following copy ^b from this the most authentic original.

THIS charter not only re-establishes the two charters of king Henry, but provides for their effectual publication; and particularly directs the great charter to be allowed in all points as the common law of the land. It declares all judgments contrary to them to be utterly void; and ordains them to be read twice a year in all cathedrals, and sentence of excommunication to be as often denounced against all that endeavour to infringe them. And at the end it is provided, that such aids as had been given to the king in times of public necessity, in whatever manner they were raised, should not be drawn into a precedent; and that no such manner of aids should be taken for the future, unless by the common assent of the whole realm; with an

^a *Locul.* 7. *num.* 9.

^b *pag.* 124.

exception

exception to those which were antiently due and accustomed. A release is also subjoined of the new tax of forty shillings on every wool-sack exported, which had been irregularly granted, - and therefore illegally taken, in the preceding year ^c, instead of the tax of one noble, granted to the king *A.D.* 1275 ^d: which imposition was commonly known by the name of the *maletoute* ^e.

A.D. 1297.
25 *Edw.* I.

THE king's pardon to the earls and their adherents is entered on record, immediately after prince Edward's charter of confirmation, and the memorandum thereunto subjoined; of which an exact copy will be found in the notes ^f. And, soon after the transmission of

^c Hemingford. *A.D.* 1296.

^d Trivet. Walsingh. *A.D.* 1298. *Pat.* 3 *Edw.* I. m. 1. *Fin.* 3 *Edw.* I. m. 24. cited in 2 *Inst.* 59. 4 *Inst.* 29.

^e The expression *male-toute* or *mala tolta* occurs very frequently in the writers of those times, both here and on the continent. We have it in chap. 30 of the great charter of Hen. III, and the correspondent sections of those which preceded it. Dufresne thus explains it; *mala tolta, res injuste ablata, seu (ut tunc loquebantur) tolta vel tulta.* Gloss. 1. *Tolta mala.*

^f Stat. 25 *Edw.* I. m. 38.

Edward par la grace de Dieu roy d'Engleterre seigneur d'Irland & ducs d'Aquitaine a toutes ceulx qui cestes presentes lettres verront ou orront *salus* Sachiez

que come de par nos amiez & feaux Humfrey de Bohun conte de Hereford & de Essex et constable d'Engleterre & Roger Bygod conte de Norff & mareschal d'Engleterre nous seit fet entendaunt qil se doubterent que nous eussions conceu vers eux rancour et indignation pur aucunes desobeissances qil avoient fites ne ad geres a ceo que hom disoit en ce qil ne vindrent pas a nous a nostre commandement & a ce que hom disoit qil avoient aucuns de nos commandementz desurbex & targez & aucunes aliances & assemblees des gentz darmes faites contre nostre volonte et defense Nous regardantz que des choses avantdites null meffait nest per eus sui

A.D. 1297.
26 Edw. I.

both into England, the two earls with the rest of the nobility assembled at York, on the 20th of January; where the old charters and new articles were solemnly read to the whole commons, and the bishop of Carlisle denounced sentence of excommunication against all who should infringe them ^g.

MUCH doubt has been raised, whether what is usually printed in our statute-books, under the name of *Statutum de tallagio non concedendo* ^h, was really a separate thing from

Engleterre et des honorables peres Willame evesq de Ely William evesq de Ba & de Welles Richard evesq de Londr' Wauter evesq de Coventr' & de Lychefeld & Henry elit Everwylk & des nos amez & fiaux Edmond conte de Cornwall Johan de Garenn' conte de Surreye et de Suffex Willame de Beauchamp conte de Warrewyk et des autres de nostre conseil demorantz en Engleterre pres de lavantdit nostre fuiz releiffons & pardonons pleinement as ditz contes et a Johan de Ferrers & a toutz leur menengs & toutz leur aliez tote manere de rancour et de indignation qui nous avoms conceu vers eus si nule ensoit per les encheisons avantdites ou nule de eles Issint qe nul de ditz contes ne Johan de Ferrers ne nul de leur menengs ne de leur aliez avantditz ne soient ebalengz encheisonnez ne grevez pas nous ne par nes heirs en nul temps pür nule des choses avantdites E ausi pardonons et releiffons a toutz autres de nostre roiaume qui furent semonz ou priez de passer ovesqe nous et ne passerent tetes maneres de rancour et de indignation si nule eussiens

conceu vers eus per cele encheison En tesmoignance des queux choses nous avoms fait faire cestes nos lettres overtes Donces a Gaunt le quint jour de Novembr' lan de nostre regne vintisme quint.

^g Hemingford. A.D. 1297.

^h Of this Hemingford has given us the most intelligible copy of any extant; that printed in our statute books being in some parts so mutilated, as totally to obscure the sense. His is as follows :

Nullum talliagium vel auxilium per nos vel heredes nostros de cetero in regno nostro imponatur seu levetur sine voluntate et assensu communi archiepiscoporum episcoporum et aliorum prelatorum comitum baronum militum burgensium et aliorum liberorum hominum in regno nostro Nullus minister noster vel heredum nostrorum capiat blada lanas coria aut aliqua alia bona cujuscunque sine voluntate et assensu illius cujus fuerint hujusmodi bona Nichil capiatur de cetero nomine vel occasione male tolte de sacco lane Volumus etiam et concedimus pro nobis et heredibus nostris quod omnes clerici et layci de regno nostro habent

this confirmation enacted in the parliament at London, and afterwards confirmed at Ghent; or whether it was only an abstract of it in another language. It is certainly very similar in it's contents to that confirmation and the subsequent charter of pardon; except that it is shorter, and that in this there is a signal omission of the restrictive word *tieu*, or *such*, in the clause relating to aids, and also as signal an omission of the saving in respect of the antient aids which were formerly due and accustomed: which omissions leave the prohibition of imposing and raising any taxes or

A.D. 1297.
26 Edw. I.

beant omnes leges libertates et liberas consuetudines suas ita libere et integre sicut eas aliquo tempore plenius et melius habere consueverunt Et si contra illas vel quemcunque articulum in presenti carta contentum statuta fuerint edita per nos vel per antecessores nostros vel consuetudines introducte volumus et concedimus quod huiusmodi consuetudines et statuta vacua et nulla sint in perpetuum Remissimus etiam Humfrido de Botun comiti Hereford' et Essex' constabulario Anglie Rogero Bygot comiti Norff' marescallo Anglie et aliis comitibus baronibus militibus armigeris Johanni de Ferrariis ac omnibus aliis de eorum societate confederatione et concordia existentibus necnon omnibus xx' libratas terre tenentibus in regno nostro sive de nobis in capite sive de alio quocunque qui ad transfretandum nobiscum in Flandriam certo die notato vocati fuerunt et non venerunt ratorem nostrum et malam voluntatem quam ex causis pre-

dictis erga eos habuimus Et etiam transgressionem si quas nobis vel nostris fecerint usque ad presentis carte consecutionem Et ad maiorem huius rei securitatem volumus et concedimus pro nobis et heredibus nostris quod omnes archiepiscopi et episcopi Anglie in perpetuum in suis cathedralibus ecclesiis habita presenti carta et lecta excommunicent publice et in singulis parochialibus ecclesiis suarum diocesis excommunicare seu excommunicatos denunciare faciant bis in anno omnes qui contra tenorem presentis carte vim et effectum in quocunque articulo scienter fecerint aut fieri procuraverint quocummodo In cuius rei testimonium presenti carte sigillum nostrum est appensum una cum sigillis archiepiscoporum episcoporum comitum baronum et aliorum qui sponte iuraverunt quod tenorem presentis carte quatenus in eis est in omnibus et singulis articulis observabunt et ad ejus observacionem consilium suum et auxilium fidele prestant in perpetuum.

c I N T R O D U C T I O N.

*A.D. 1297.
26 Edw. I.*

aids without the universal consent of the realm entirely general and absolute. This matter was very learnedly debated in M. Hampden's great case relating to shipmoney, *A.D.* 1637¹; when the judges determined it to be a separate act of parliament, principally because it was recited as such about nine years before, in the preamble to the petition of right^k. And their determination seems to be just, for this was certainly sufficient to give it for the future the binding force of a statute in point of law; though it hardly will be allowed as a conclusive proof of a disputed fact in point of history.

To say the truth, there seem to be strong reasons for supposing it only a kind of abstract or translation by a cotemporary hand; which probably was inserted at the end of the great charter in the register of some monasteries, whence it was transcribed by Trivet and Hemingford, who are copied by Knyghton and Walsingham. For it cannot be of so late a date as the 34th of Edw. I, wherein our statute-books and sir Edward Coke¹ have placed it; since Humfrey Bohun earl of Hereford, whose pardon is therein granted, died

ⁱ 1 State Trials. 510, 536, 551, &c.

¹ 2 Inst. 532.

^k *Ibid.* 595, 607, 628.

the 31st of December in the year 1298, ^{A.D. 1297.}
 27 Edw. Ist: nay, all the old historians who ^{26 Edw. I.}
 insert it suppose it to have been granted by
 the king in Flanders in the latter end of the
 year 1297, when the similar french charters
 here printed were indisputably sealed; of
 which, and which only, Matthew of West-
 minster takes notice. It is not to be found
 upon any authentic roll or record of the years
 1297 or 1298, nor elsewhere: not that the
 statute roll of that time is lost, but no entry
 of such statute in latin appears thereonⁿ. The
 first time it occurs in print, to the editor's
 knowlege, is in the *Secunda pars veterum sta-*
tutorum, printed by Thomas Berthelet A. D.
 1532^o; for it is taken no notice of in the old
 abridgment of the statutes, which was printed
 about the reign of Edward the fourth by
 Lettou and Machlinia, and was probably com-
 piled somewhat earlier, as the latest statute
 therein abridged is 33 Hen. VI. chap. 13^p.
 And yet that abridgment has an abstract of
 the statute *de confirmatione cartarum, alias*
dict^p superaddicio cartarum, wherein the em-
 phatical word *tieu* is left out^a: which shews

m 1 Dugd. Monast. 447.

n 3 Pryn. 742.

o fol. 39.

p Under title *Laborers*.

q Under title *Taxes*, — *qe fur null custumer.*

besoigne null manere deuz aidez myssez ne
prisez de nostre roialme ne prendrons
fersqe par commune assent de tout le roy-
alme salvez les auciens aidez duez &

that

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that not quite so much stress was laid upon upon it antiently, as at the time of M. Hampden's trial. And with regard to the omission of the saving clause, (which must certainly be understood to relate to the antient feudal aids, *pur file marier, pur faire fitz chivalier, &c.*) we may observe that, notwithstanding this supposed statute which is construed by such omission to have abridged them all, king Edward himself in the year 1306 imposed an aid on his subjects for knighting his eldest son; and in the writs of summons to the parliament, which he held to consult about the manner of levying it, he expressly claims it to be due in right of his crown^r. In like manner the saving in the *Confirmatio cartarum* of the customs on wool, skins, and leather, before granted, is omitted in the supposed statute *de tallagio*; and yet there is no doubt but that these were hereditary in the crown for ages after Edward the first^s. Wherefore it seems upon the whole that there is great reason to question the authenticity of this dubious act of parliament, otherwise than as a cotemporary latin abstract of the two french charters, intended (however imperfectly exe-

^r *De jure corone in hujusmodi casu* in 2 Rym. 986, 987.
auxilium fieri nobis debet. Claus. ^s Dyer, 43. 165. 2 Inst. 59.
34 Edw. I. m. 15. d. cedula. printed

cuted) to express the self-same meaning in another language. *A.D. 1297.*
26 Edw. I.

HOWEVER, notwithstanding the security thus given, the two earls seem still to have retained their suspicions of the king's sincerity; and therefore at Carlisle, about Whitsontide *A. D. 1298*, they demanded that the king should renew his confirmation of the charters at home; lest, as the former was sealed in a foreign country, a pretence should be thence formed for breaking through it; and they also insisted, that a perambulation should be appointed to settle the boundaries of the forest. Both these the king's friends engaged should be done on his return from the expedition into Scotland^t: and accordingly he confirmed the charters in a parliament holden the 8th of March, being the first Sunday in the lent following, at London^u, with a saving of the rights of his crown^w; and directed writs to the several sheriffs, on the 26th of March and 2^d of April, reciting all the articles of the forest charter *verbatim*, (the five first chapters relating to the deafforestations excepted) commanding those articles and the great charter in all points to be ob-

^t Hemingf. Walsingh.

^w Hemingf. Walsingh. Trivet.

^u *Claus. 27 Edw. I. m. 18. d.*

Matth. Westm.

served,

A.D. 1299.
27 Edw. I.
 served, and promising that a perambulation should be had, as soon as his affairs were settled at the court of Rome. These related to the pope's award between him and king Philip of France; and were so arduous, he said, as entirely to employ his attention, since they affected himself, his whole realm, and all christendom*. But, finding the people discontented at this partial and reserved confirmation, he is said to have at length confirmed the two charters, absolutely and without any restriction, in another parliament holden about the beginning of the ensuing May^y.

THE people, notwithstanding, being dissatisfied that these confirmations were hitherto only verbal, while the promised perambulation was delayed, (without which it was impracticable to deafforest the former encroachments) the king issued writs in the french or vulgar tongue, dated the 25th of June; complaining that he was too hardly pressed; declaring the reasons of his delay through the great and urgent business in which he was necessarily engaged, which would be finished in the middle of July; observing that it would

* *Claus. 27 Edw. I. m. 17. d. Stat.* *y 2 Brad. 65. Trivet. Hemingf.*
27 Edw. I. m. 37. printed in 3 Pryn. Walsingh.
 842, 843, 844.

be inconvenient to the public to set about the perambulation in the time of harvest; but promising that the perambulators should rendezvous at Northampton by Michaelmas day at farthest; and therefore requesting the people not to believe any malicious reports to the contrary, which were only calculated to sow strife and debate between the king and his subjects. These writs were sent to every sheriff in England, inclosed in another in latin, commanding him to publish them in every city, borough, market-town, and other place of public resort ^z.

*A.D. 1299.
27 Edw. I.*

IN the next spring, at another parliament holden at London on the 16th of March, the two charters were again confirmed by the statute called *Articuli super cartas*; wherein it was provided that three knights or principal freeholders should be elected in every county, who, or any two of them, were empowered to see the charters duly executed, and to punish offenders against them by imprisonment, ransom, and amercement: for which purpose writs were issued on the 27th of March to every county in England, commanding them to proceed to such election ^a.

28 Edw. I.

A.D. 1300.

^z *Bundel. brev.* 27 Edw. I. printed in 3 Pryn. 810.

^a *Claus.* 28 Edw. I. m. 11. d. printed in 3 Pryn. 848.

Many

A.D. 1300.
28 Edw. I.

Many additional liberties were also granted by this statute, extending the whole to the number of twenty chapters; which, bearing little or no relation to those which were before granted in the two charters, are not comprized in the ensuing collection; wherein the first part, which alone has respect to the charters, is printed from the statute-roll in the tower of London^b.

IN this there is a direction, that the charters shall be sent to the sheriffs of every county under the king's seal, and be read in full county court four times in every year. In order to which the charters of *Inspeximus*, 28 March *A. D.* 1300, 28 Edw. I, were made; of which some still remain at Durham, Westminster, and Oriel college, and they are also upon record at the tower; from whence the various readings are taken which are subjoined to each charter respectively^c. And writs of the same date, for that purpose, were sent with them to every sheriff in England^d; as likewise on the 15th of April were other writs, for proclaiming the new articles

^b *Stat.* 28 Edw. I. m. 35. See which an account is given in fol. lxxiv. pag. 128. note v.

^c pag. 73 and 93. There is also ^d *Claus.* 28 Edw. I, m. 8. d. printed one at Appleby in Westmorland, of in 3 Pryn: 848.

superadded by this parliament to the charters °.

A.D. 1300.
28 Edw. I.

MEANTIME there is reason to suppose, that the perambulators of the forest met at Northampton about Michaelmas in the year preceding, and there settled their plan of operations for the ensuing spring; for on the 1st of April the king issued writs to them respectively to begin the perambulation in all the forest-counties^e; and on the 10th of May he granted commissions to the knights elected in pursuance of the *Articuli super cartas*; appointing them his justices, and arming them with proper powers for the due execution of the two charters, and of the statute of Winchester, which was passed in the thirteenth year of his reign and now newly republished^g.

^e Claus. 28 Edw. I. m. 7. d. printed in 3 Pryn. 848. 2 Rym. 863.

^f Claus. 28 Edw. I. m. 8. d. printed in 3 Pryn. 849.

Rex dilecto et fidei suo Rogero de Brabazon salutem Cum assignavimus vos una cum quibusdam aliis fidelibus nostris ad perambulationem in forestis nostris infra comitatus nostros Salop^e &c faciendam Vobis mandamus quod suis Liebfeld^e in crastino ascensionis Domini proximo su-

turo parati exinde cum dilectis fidelibus nostris proficisci ad perambulationem illam faciendam quibus mandavimus quod tunc ad hoc faciendum modis omnibus personaliter sint ibidem Et hoc nullo modo omitatis ita quod per vestrum defectum expectatio dilecti negotii infesta non remaneat quoquo modo Teste rege apud Westm^e primo die Aprilis.

^g Pat. 28 Edw. I. m. 14. printed in 3 Pryn. 850, &c.

A.D. 1300.
28 Edw. I.

THE perambulations being finished in the summer, king Edward on the 26th of September issued writs of summons^h for a par-

^h *Clauſ.* 28 Edw. I. m. 3. d.

Rex vicecomiti Cumb^r salutem Cum nuper pro communi utilitate populi regni noſtri conceſſimus quod carta de foreſta in ſingulis ſuis articulis firmiter obſervaretur aſſignando quosdam de fidelibus noſtris in ſingulis comitatibus ejuſdem regni in quibus foreſte noſtre exiſtant ad perambulationem in eiſdem foreſtis faciend^r ita quod perambulationem illam diſtincte et aperte factam ad nos antequam aliqua executio vel aliquid aliud inde fieret reportarent et quod juramentum noſtrum jus corone Anglie rationes et calumpnie noſtre nec [non] jus rationes et calumpnie aliorum omnia ſalva forent Nos licet dilecti fideles noſtri nunc primo ad nos detulerunt quod fecerunt in negotio memorato quia tamen prelati comites barones et ceteri magnatis diſti regni (in quorum preſencia noſtras et aliorum proponi et audiri volumus rationes et de quorum conſilio in eodem negotio prout alias diximus intendimus operari maxime cum ipſi ad obſervand^r et manutenend^r jura regni ac corone predictę una nobiſcum juramenti vinculo ſunt aſtriſti) juxta latus noſtrum tunc temporis non fuerunt ac pro eo ſimiliter quod illi qui ſuas rationes quatenus illud negotium illos tangit proponere debeant inde premuniti non erant eidem negotio ſine ipſorum conſilio ſinem imponere non potuimus bono modo Et quia negotium illud quantum poſſumus cupimus maturari ita quod per nos non fiet abſque ulterioriſ dilaticnis incommodo [quin] effectum debitum ſortiat^r volentes cum prelatiſ comitatibus barenibus et magnatibus ſupra-

dictis ac aliis de communitate dicti regni ſuper hoc et quibuſdam aliis arduis negotiis nos et ſtatum regni predictiſ tangentibus habere colloquium et tractatum Tibi precipimus quod firmiter injungendo quod venire facias coram nobis ad parlamentum noſtrum apud Linc^r in octabis ſancti Hillarii proximo futur^r duos milites de balliva tua illos videlicet qui pro communitate comitatus predicti ad parlamentum noſtrum ultimo preteritum per preceptum noſtrum venerunt et etiam de qualibet civitate infra ballivam tuam eoſdem ciues et de quolibet burgo eoſdem burgenſes qui ad predictum parlamentum noſtrum alias ſic venerunt Et ſi forte aliquis militum civium vel burgenſum predictorum mortuus fuerit aut infirmus per quod ad dictos diem et locum venire nequiverit tunc loco illius mortui aut infirmi unum alium idoneum ad hoc eligi et ad dictum parlamentum noſtrum venire facias ita quod milites ciues et burgenſes predicti dictis dici et loco modis omnibus interſint cum plena poteſtate audiendi et faciendi ea que ibidem in premiſſis negotiis ordinari contiget pro communi commodo dicti regni Et eiſdem militibus de communitate comitatus predicti civibus de civitatibus et burgenſibus de burgis predictis rationabiles expenſas ſuas habere facias inveniend^r ad dictum parlamentum noſtrum ibidem morando et etiam redeundo Tibi inſuper precipimus ſicut prius quod per totam ballivam tuam ſine dilatione publice facias proclamari quod omnes illi qui terras aut tenementa habeant infra metas foreſte noſtre in balliva tua et qui perambulatione-

liament to meet on the 20th of January at *A.D. 1300.*
28 Edw. I.
Lincoln, to receive the report of the commis-
sioners; in which he directs the members of
the last parliament, if living and capable of
that service, to be returned, and notice to be
given in the several forest-counties, for all
persons concerned to appear at the same time
and place, and shew cause (if they had any)
why the perambulations should not be con-
firmed. In consequence whereof it appears,
that the several perambulations which had
been made before the king's justices, by the
oath of a jury, and in the presence of the
foresters and verderors, were in that parlia-
ment examined and finally approved. And *29 Edw. I.*
the commonalty of the realm having granted
the king a fifteenth upon this occasion, he
on the 14th of February by his letters patent
confirmed these perambulations, and ordained
them to remain as a standing evidence of the

*nem in aliquo calumpniari voluerint quod
sint coram nobis in parlamento nostro pre-
dicto ostensuri in hac parte rationes suas
et calumpnias si quas habent Et habeas
ibi nomina predistorum militum civium et
burgensium et hoc breve Teste rege apud
la Rose xxvj die Septembris.*

*Consimiles littere diriguntur vicecomiti-
bus subscriptis in quorum comitatibus so-
reste existunt videlicet Westmerl' Eborum
Notinglam' Derb' North' Buk' Hunt'
Essex' Surre' Subtl' Wylt' Sumeri' Dors'
Devon' Glouc' Wygorn' Hereford' Rote-*

land' Oxon' Salop' Stafford' Warr'.

*Rex vicecomiti Linc' salutem Cum
nuper pro communi utilitate &c ut supra
usque ibi "pro communi commodo
"dicti regni" Et habeas ibi nomina
predistorum militum civium et burgen-
sium et hoc breve T. R. ut supra.*

*Eodem modo mandatum est vicecomiti-
bus subscriptis in quorum comitatibus non
sunt foreste videlicet Norff' Suff' Cantebr'
Bed' Kane' Suffex' Midd' Leyc' Nor-
thumbr' Cornub' Lanc' Hertford'.*

boundaries

A.D. 1300. boundaries of the forest in every county for
29 Edw. I.
everⁱ.

ⁱ It may be matter of curiosity to observe the form of these perambulations to establish the bounds of the forests; for which purpose a forest is here selected, which has no longer any existence, but is now converted into private property.

Rot. Perambulationum forestarum 29 Edw. I. m. 8.

Rex omnibus ad quos &c. Sciatis quod cum communitas regni nostri nobis concesserit quintam decimam omnium bonorum suorum mobilium que habebunt in festo sancti Michaelis proximo futuro extunc taxandorum que quidem quintadecima post hujusmodi taxationem colligi debet levare et fideliter nobis solvi Volumus et concedimus pro nobis et heredibus nostris quod perambulationes facte coram dilecto et fidei nostro Rogero le Brabazon et sociis suis ad hoc assignatis per preceptum nostrum de forestis nostris in comitatu Oxon' de cetero teneantur et observentur per metas et bundas contentas in eisdem perambulationibus quarum tenor de verbo ad verbum sequitur in hunc modum

Perambulatio forestarum comitatus Oxon' facta coram dominis Rogero le Brabazon Radulfo de Hengham et Willielmo Inge justiciariis domini regis ad dictam perambulationem faciendam assignatis in presentia forestariorum et viridariorum forestarum predictarum die dominica in vigilia beati Petri in cathedra anno regni regis Edwardi vicesimo octavo per sacramentum Johannis filii Guidonis Fulconis de Rucote Thome de Parco Willielmi de Sharebroke Henrici de Bruylly Gilberti de Gaye Ricardi de Caune Johannis de la Hide Hugonis de Barton Stephani de Abendon Johannis de Haddon Roberti

de Stok' Roberti de Romeny junioris Ricardi de Cornerwell Radulfi de Suttan Henrici le Espicer de Cheping - Norton Walteri Hesel de Lillingeston Roberti Neel de Wode Pyrte Nicholai Broun junioris Radulfi de la Hide Willielmi Bernard Johannis de Honyngton de Chadelyngton Ade de Dounhalle et Roberti de Asteote Qui dicunt super sacramentum suum quod foresta de Schotoverre incipit ad molen-dinum quod vocatur Sotelescote Mulle et sic per le Meredith' quod est inter dominicum boscum domini regis de Hedingdon et terram Johannis de Ellesfeld includendo forestam ex parte dextra per omnes bundas et metas subscriptas et excludendo extra forestam ex parte sinistra totum residuum et sic usque Storibrigge et sic per le Meredith usque Edenebrok et sic usque le bunden' quod vocatur Ensegrovemere quod est inter campum de Elsfeld et campum de Wyk et sic usque Stodfold et sic usque le Brech' et sic usque le Brecheburne quod est inter boscum domini regis quod vocatur Stowode et le Breche de Elsfeld et sic per fossatum usque Eldendon et sic usque Bicheweyefende et sic usque Beckelestle et sic per haiam usque Hangeresende per boscum de Elsfeld et sic inter boscum de Wode Eton et Stowode usque Kingesok' et sic usque Duderweyefende apud la lake que vocatur Wode Eton Ho et sic usque Longerudyngesende que est inter Stowode et Cow Allix et sic usque Braddenebrigg' et sic usque Thremeren inter Stowode et boscum Henrici Tyeys et boscum abbatis de Westm' et sic usque cornerum del Parkeres Breche de Beckele et sic usque le Dichende de Beckele et sic directe per hayam persone de Beckele usque Stowode mere et sic usque Beckelebach et sic

AT the same time the king, by his letters ^{A.D. 1300.}
 patent, confirmed the two charters; with a ^{29 Edw. I.}

sic per bayam Bantereshale et sic per bayam usque le Brechesburn ad capud bosci Johannis de sancto Johanne et sic usque le Meretborn inter campum de Staunton et Wik et sic usque Bastardescroft de Stoford et sic per fossatum dicti crofti usque ad pontem de Stoford et sic per fossatum inter campum de Hedindon et campum de Forstbull et sic usque Sanden et sic per fossatum inter campum de Forstbull et Schotovere usque Lynbale et sic usque Biyondebrok inter boscum domini regis et boscum de Forstbull et sic usque Wodemaneshull et sic usque Farnwellebrok atte Grovesbend et sic usque Halenghtonbach et sic usque Mintentale et sic usque Banlakebrok Netherende et sic per fossatum usque Kingeswodebrok et sic usque ad capud inferius de Akemere juxta Kingwodebrok usque le Rededich ascendendo usque ad boscum de Templo et sic descendendo per boscum Templi usque le Mereweye que extendit juxta Schotovere et sic usque Akemerebrok et sic usque dictum le Rededich inter boscum Johannis de Seacc'io et boscum de Templo usque Rededichesfende et sic descendendo usque Akemerewelle et sic usque le Mereweye juxta boscum de Schotovere et sic per le Mereweye inter boscum de Schotovere et Horspathe et sic usque ad summum capud de Akemere et sic usque Chalfse per le Merehegg' inter Fyriebale et Chalfse et sic usque viam regiam que ducit versus Oxon' et sic per eandem viam regiam usque parvum pontem de Oxon' et sic usque Charswell et sic per Charswelle usque ad molendinum quod vocatur Sotelescote Mulle Et dicunt predicti juratores quod boscus de Elsfeld qui modo est Johannis de Elsfeld et bos-

cus de Wode Eton qui est abbas de Eynesbam et boscus de Coru-Aliz qui est abbas de Westm' et boscus del Hok' qui est Henrici Tyceys et boscus de Forstbull qui est abbas de Ofeneye et priorisse de Stodleye et boscus de Scharwe qui est abbas de Abendon et boscus de Horspathe qui est magistri milicie templi in Anglia et boscus de Chalfse qui est ejusdem magistri milicie et bosci de Hornle et Sydele in Stanton qui sunt Johannis de sancto Johanne fuerunt afforestati post coronationem domini H. regis proavi domini regis nunc ad tale dampnum videlicet quod nec ipsi nec eorum antecessores seu predecessores post tempus predictum usque nunc nichil de boscis predictis capere potuerunt nisi per liberationem forestariorum et ad eorundem forestariorum voluntatem nec aliud proficuum de eisdem boscis recipere sicut prius habere et facere consueverunt ante tempus coronationis domini H. regis predicti absque attachiamento et impedimento forestariorum predictorum Et dicunt omnes predictos boscos esse afforestatos post coronationem domini H. regis proavi domini regis nunc prout intellexerunt et intelligunt ex relatu antecessorum suorum et aliorum proborum hominum et per communem samam patric et per omnes villatas eiderum foreste propinquius adjacentes In cujus rei testimonium predicti jurati sigilla sua apposuerunt

Ita quod quicquid per istas perambulationes ponitur extra forestam remaneat extra forestam et residuum remaneat foresta secundum metas et bundas predictas imperpetuum In cujus rei testimonium has literas nostras fieri fecimus patentes Teste rege apud Lincoln' xiiij die Februarii.

special

A.D. 1300.
29 Edw. I.

special proviso, that, if any thing had been enacted contrary to their true sense and meaning, it should be remedied or even annulled by the common consent of the realm. An original of this charter, with the great seal in white wax appendant thereto, (being in breadth nine inches and an half, and in length five inches and a quarter including the fold for the label) is extant in the Bodleian library among M. Furney's charts, from whence the following copy ^k is exactly printed; and the device of the seal, with the imperfections shaded, may be seen in page 133, and of the counter-seal in page 135. There is another of these charters in the archives of Christ-church in Oxford; and M. Prynne mentions ^l four, that he had found in the tower of London.

THIS seems to have been the final and complete establishment of the two charters, of liberties and of the forest: which, from their first concession under king John *A.D.* 1215, had been often endangered, and undergone very many mutations, for the space of near a century; but were now fixed upon an eternal basis, having in all, before and since this time, (as sir Edward Coke observes ^m)

^k pag. 131.

^l 3 Pryn. 855.

^m 2 Inst. proēm.

been

been established, confirmed, and commanded to be put in execution, by two and thirty several acts of parliament ⁿ.

AND, having thus traced the two charters from their original in Runingmede (if not earlier) to this their lasting settlement, it is now time to put a period to this historical discourse; which, through the multitude of facts and records appealed to, hath swoln to a greater bulk than the editor expected when first he undertook to compile it. In consequence of those facts and records he hath been obliged to differ very frequently, (more frequently indeed than is taken notice of) not only from the monastic writers and such as have implicitly followed them, but also from later historians of a very different character;

ⁿ It is true, that the apprehensions of the people were again raised, when king Edward, 29 Dec. *A. D.* 1305, obtained a bulle from pope Clement the fifth, annulling all the concessions that had been extorted from him with relation to the forests and other liberties; (2 Rym. 978.) and releasing him from his oaths, and other spiritual ties, by which he was engaged to observe them. But the only use he made of it (according to Brady, 2 Hist. 84; and Carte, 2 Hist. 292.) was to shew his magnanimity; in that being now absolved from all manner of obligation, according to the casuistry of the times,

he thought proper of his own freewill, and without any compulsion, to confirm and enlarge very many of these concessions by the ordinance of the forest, which he published on the 27th of May in the following year. And yet (as Tyrrel very justly observes, 3 Hist. 170.) he, by chapter 5 of this very ordinance, absolutely revoked and annulled the deafforestation, which was before so solemnly agreed to; though it does not appear that he ever in fact attempted any thing afterwards, in breach of the two charters granted by his father, and so often confirmed by himself.

h

who

who were endued with more learning and industry, and wrote from more authentic materials. The reflexion which must naturally arise from hence is this; that, since men of great abilities have failed in point of accuracy through the extensiveness of the plan which they have pursued, we may conclude that the compiling and digesting of a general and complete history of England is a burthen too heavy to be undertaken by any single man, however supereminently qualified; but that, if ever such a work is successfully performed, it must be carried on by the joint endeavours of individuals, each of them, attentive to detached parts of it, which may afterwards be woven together into one uniform whole. That task may be reserved for some masterly and comprehensive genius, elegant in his stile, faithful in his narration, able and impartial in his judgment: who, being possessed of a thorough insight into the rise and gradual improvements of the constitution and laws of this kingdom, the frequent revolutions of it's ecclesiastical and civil polity, the different manners of it's people at different periods of time, and it's general connexions and commerce with foreign nations, and being accurately supplied with particular facts and occurrences by the laborious re-

searches

searches of others, might regulate and bring to perfection in a finished degree this great and extensive work; though he wanted that critical attention to dates, and names, and other minuter circumstances, which would be requisite in those who should act in the subordinate departments. If what the editor of these sheets has collected, with regard to the original, progress, and establishment of the two great charters of liberties, can in any shape contribute to illustrate this important part of our english juridical history, he shall think that he has not altogether thrown away the labour and time, which have been bestowed upon these enquiries.

MAGNA CARTA,

CARTA DE FORESTA,

ETC.

T A B U L A.

*Articuli magne carte libertatum sub sigillo
regis Johannis.* Pag. 1.

Magna carta, 15 Jun. MCCXV, 17 Joh. 15.

Conventio inter regem Johannem et barones. 39.

*Magna carta, 12 Novemb. MCCXVI,
1 Hen. III. 42.*

Magna carta. MCCXVII. 56.

*Magna carta, 11 Febr. MCCXXIV,
9 Hen. III. 73.*

*Carta de foresta, 11 Febr. MCCXXIV,
9 Hen. III. 93.*

*Carta confirmationis, 28 Jan. MCCXXXVI,
21 Hen. III. 104.*

*Sententia excommunicationis, &c. 13 Maii
MCCLIII, 37 Hen. III. 109.*

*Carta confirmationis, 14 Mar. MCCLXIV,
49 Hen. III. 114.*

*Statutum de Marleberge, 18 Nov.
MCCLXVII, 52 Hen. III. c. 5. 123.*

*Confirmatio cartarum, 5 Nov. MCCXCVII,
25 Ed. I. 124.*

*Articuli super cartas, 6 Mar. MCCXCIX,
28 Ed. I. 128.*

*Carta confirmationis, 14 Febr. MCCC,
29 Ed. I. 131.*

A R T I C U L I

MAGNE CARTE LIBERTATUM

SUB SIGILLO REGIS

J O H A N N I S.

I S T A sunt capitula que barones petunt
et dominus rex concedit

P O S T decessum antecessorum here- 1
des plene etatis habebunt heredita-
tem suam per antiquum relevium
exprimendum in carta

§. Heredes qui infra etatem sunt et fue- 2
rint in custodia cum ad etatem pervenerint
habebunt hereditatem suam sine relevio et
fine

§. Custos terre heredis capiat rationabi- 3
les exitus consuetudines et servitia sine de-
structione et vasto hominum et rerum sua-
rum et si custos terre fecerit destructionem

A

et

et vastum amittat custodiam et custos sustentabit domos parcos vivaria stagna molen-
dina et cetera ad terram illam pertinentia de
exitibus terre ejusdem et ut heredes ita ma-
ritentur ne disparagentur et per consilium
propinquorum de consanguinitate sua

4 §. Ne vidua det aliquid pro dote sua vel
maritagio post decessum mariti sui sed ma-
neat in domo sua per xl dies post mortem
ipsius et infra terminum illum assignetur ei
dos et maritadium statim habeat et heredi-
tatem suam

5 §. Rex vel ballivus non faciet terram
aliquam pro debito dum catalla debitoris
sufficiunt nec plegii debitoris distringantur
dum capitalis debitor sufficit ad solutionem
si vero capitalis debitor defecerit in solutio-
ne si plegii voluerint habeant terras debito-
ris donec debitum illum persolvatur plene
nisi capitalis debitor monstrare poterit se es-
se inde quietum erga plegios

6 §. Rex non concedet alicui baroni quod
capiat auxilium de liberis hominibus suis
nisi ad corpus suum redimendum et ad fa-
ciendum primogenitum filium suum mili-
tem et ad primogenitam filiam suam semel
maritandam et hoc faciet per rationabile au-
xilium

7 §. Ne aliquis majus servitium faciat de
feodo militis quam inde debetur

§. Ut

§. Ut communia placita non sequantur 8
curiam domini regis sed assignentur in aliquo certo loco et ut recognitiones capiantur in eisdem comitatibus in hunc modum ut rex mittat duos justiciarios per iiij^{or} vices in anno qui cum iiij^{or} militibus ejusdem comitatus electis per comitatum capiant assisas de nova disseisina morte antecessoris et ultima presentatione nec aliquis ob hoc sit summonitus nisi juratores et due partes

§. Ut liber homo amercietur pro parvo 9
delicto secundum modum delicti et pro magno delicto secundum magnitudinem delicti salvo continementio suo villanus etiam eodem modo amercietur salvo waynagio suo et mercator eodem modo salva marcandisa per sacramentum proborum hominum de visneto

§. Ut clericus amercietur de laico feodo 10
suo secundum modum aliorum predictorum et non secundum beneficium ecclesiasticum

§. Ne aliqua villa amercietur pro pontibus 11
faciendis ad riparias nisi ubi de jure antiquitus esse solebant

§. Ut mensura vini bladi et latitudines 12
pannorum et rerum aliarum emendetur et ita de ponderibus

§. Ut assise de nova disseisina et de morte 13
antecessoris abbrevientur et similiter de aliis assis

- 14 §. Ut nullus vicecomes intromittat se de placitis ad coronam pertinentibus sine coronatoribus et ut comitatus et hundreda sint ad antiquas firmas absque nullo incremento exceptis dominicis maneriis regis
- 15 §. Si aliquis tenens de rege moriatur licebit vicecomiti vel alii ballivo regis seiscire et imbreviare catallum ipsius per visum legalium hominum ita tamen quod nichil inde moveatur donec plenius sciatur si debeat aliquod liquidum debitum domino regi et tunc debitum regis persolvatur residuum vero relinquatur executoribus ad faciendum testamentum defuncti et si nichil regi debetur omnia catalla cedant defuncto
- 16 §. Si aliquis liber homo intestatus decesserit bona sua per manum proximorum parentum suorum et amicorum et per visum ecclesie distribuantur
- 17 §. Ne vidue distringantur ad se maritandum dum voluerint sine marito vivere ita tamen quod securitatem facient quod non maritabunt se sine assensu regis si de rege teneant vel dominorum suorum de quibus tenent
- 18 §. Ne constabularius vel alius ballivus capiat blada vel alia catalla nisi statim denarios inde reddat nisi respectum habere possit de voluntate venditoris
- 19 §. Ne constabularius possit distringere aliquem militem ad dandum denarios pro custodia

custodia castri si voluerit facere custodiam illam in propria persona vel per alium probum hominem si ipse eam facere non possit per rationabilem causam et si rex eum duxerit in exercitum sit quietus de custodia secundum quantitatem temporis

§. Ne vicecomes vel ballivus regis vel 20 aliquis alius capiat equos vel caretas alicujus liberi hominis pro cariagio faciendo nisi ex voluntate ipsius

§. Ne rex vel ballivus suus capiat alienum 21 boscum ad castra vel ad alia agenda sua nisi per voluntatem ipsius cujus boscus ille fuerit

§. Ne rex teneat terram eorum qui fuerint 22 convicti de feloniam nisi per unum annum et unum diem sed tunc reddatur domino feodi

§. Ut omnes kidelli de cetero penitus 23 deponantur de Tamisia et Medewaye et per totam Angliam

§. Ne breve quod vocatur Precipe de ce- 24 tero fiat alicui de aliquo tenemento unde liber homo amittat curiam suam

§. Si quis fuerit disseisitus vel prolonga- 25 tus per regem sine judicio de terris libertatibus et jure suo statim ei restituatur et si contentio super hoc orta fuerit tunc inde disponatur per judicium xxv baronum et ut illi qui fuerint disseisiti per patrem vel fratrem regis rectum habeant sine dilatione per judicium parium suorum in curia regis et si
rex

rex debeat habere terminum aliorum cruce signatorum tunc archiepiscopus et episcopi faciant inde iudicium ad certum diem appellatione remota

- 26 §. Ne aliquid detur pro brevi inquisitionis de vita vel membris sed libere concedatur sine precio et non negetur
- 27 §. Si aliquis tenet de rege per feodi firmam per sokagium vel per burgagium et de alio per servitium militis dominus rex non habebit custodiam militum de feodo alterius occasione burgagii vel sokagii nec debet habere custodiam burgagii sokagii vel feodi firme et quod liber homo non amittat militiam suam occasione parvarum fergantisarum sicuti de illis qui tenent aliquod teneamentum reddendo inde cuttellos vel sagittas vel hujusmodi
- 28 §. Ne aliquis ballivus possit ponere aliquem ad legem simplici loquela sua sine testibus fidelibus
- 29 §. Ne corpus liberi hominis capiatur nec imprisonetur nec dissaisietur nec utlagetur nec exuletur nec aliquo modo destruatur nec rex eat vel mittat super eum vi nisi per iudicium parium suorum vel per legem terre
- 30 §. Ne jus vendatur vel differratur vel vetitum sit
- 31 §. Quod mercatores habeant saluum ire et venire ad emendum vel vendendum sine omni-

omnibus malis tollis per antiquas et rectas consuetudines

§. Ne scutagium vel auxilium ponatur in 32
regno nisi per commune consilium regni nisi
ad corpus regis redimendum et primogeni-
tum filium suum militem faciendum et fi-
liam suam primogenitam semel maritandam
et ad hoc fiat rationabile auxilium simili
modo fiat de taillagiis et auxiliis de civitate
London' et de aliis civitatibus que inde ha-
bent libertates et ut civitas London' plene
habeat antiquas libertates et liberas consue-
tudines suas tam per aquas quam *per terras*

§. Ut liceat unicuique exire de regno et 33
redire salva fide domini regis nisi tempore
werre per aliquod breve tempus propter
communem utilitatem regni

§. Si quis mutuo aliquid acceperit a Ju- 34
deis plus vel minus et moriatur antequam
debitum illud solvatur debitum non usurabit
quamdiu heres fuerit infra etatem de quo-
cumque teneat et si debitum illud inciderit
in manum regis rex non capiet nisi catallum
quod continetur in carta

§. Si quis moriatur et debitum debeat 35
Judeis uxor ejus habeat dotem suam et si li-
beri remanserint provideantur eis necessaria
secundum tenementum et de residuo solva-
tur debitum salvo servitio dominorum simili
modo fiat de aliis debitis et ut custos terre
reddat

reddat heredi cum ad plenam etatem perverit terram instaurationem secundum quod rationabiliter poterit sustinere de exitibus terre ejusdem de carucis et wainnagiis

36 §. Si quis tenuerit de aliqua eskaeta sicut de honore Walingeford Notingham Bonon' et Lankastr' et de aliis eskaetis que sunt in manu regis et sunt baronie et obierit heres ejus non dabit aliud relevium vel faciet regi aliud servitium quam faceret baroni et ut rex eodem modo eam teneat quo baro eam tenuit

37 §. Ut fines qui facti sunt pro dotibus maritagii hereditatibus et amerciamentis injuste et contra legem terre omnino condonentur vel fiat inde per judicium xxv baronum vel per judicium majoris partis eorundem una cum archiepiscopo et aliis quos secum vocare voluerit ita quod si aliquis vel aliqui de xxv fuerint in simili querela amoveantur et alii loco illorum per residuos de xxv substituantur

38 §. Quod obsides et carte reddantur que liberate fuerunt regi in securitatem

39 §. Ut illi qui fuerint extra forestam non veniant coram justiciariis de foresta per communes summonitiones nisi sint in placito vel plegii fuerint et ut prave consuetudines de forestis et de forestariis et warrenniis et vicecomitibus

comitibus et rivariis emendentur per xii milites de quolibet comitatu qui debent eligi per probos homines ejusdem comitatus

§. Ut rex amoveat penitus de balliva parentes et totam sequelam Gerardi de Atyes quod de cetero balliam non habeant scilicet Engelardum Andream Petrum et Gyonem de Cancell' Gyonem de Cygon' Matheum de Martiny et fratres ejus et Galfridum nepotem ejus et Philippum Mark 40

§. Et ut rex amoveat alienigenas milites stipendiarios balistarios et ruttarios et fervientes qui veniunt cum equis et armis ad nocumentum regni 41

§. Ut rex faciat justiciarios constabularios vicecomites et ballivos de talibus qui sciant legem terre et eam bene velint observare 42

§. Ut barones qui fundaverunt abbatias unde habent cartas regum vel antiquam tenuram habeant custodiam earum cum vacaverint 43

§. Si rex Walenses diffaisierit vel elongaverit de terris vel libertatibus vel de rebus aliis in Anglia vel in Wallia eis statim sine placito reddantur et si fuerint diffaisiti vel elongati de tenementis suis Anglie per patrem vel fratrem regis sine iudicio parium suorum rex eis sine dilatione justiciam exhibebit eo modo quo exhibet Anglicis justiciam de tenementis suis Anglie secundum legem Anglie et 44

et de tenementis Wallie secundum legem Wallie et de tenementis marchie secundum legem marchie idem facient Walenses regi et suis

- 45 §. Ut rex reddat filium Lewelini et preterea omnes obsides de Wallia et cartas que ei liberate fuerunt in securitatem pacis - - - nisi aliter esse debeat per cartas quas rex habet per iudicium archiepiscopi et aliorum quos secum vocare voluerit
- 46 §. Ut rex faciat regi Scottorum de obsidibus reddendis et de libertatibus suis et jure suo secundum formam quam facit baronibus Anglie
- 47 §. Et omnes foreste que sunt aforestate per regem tempore suo deaforestentur et ita fiat de ripariis que per ipsum regem sunt in defenso
- 48 §. Omnes autem istas consuetudines et libertates quas rex concessit regno tenendas quantum ad se pertinet erga suos omnes de regno tam clerici quam laici observabunt quantum ad se pertinet erga suos
- 49 §. Hec est forma securitatis ad observandum pacem et libertates inter regem et regnum

num Barones eligent xxv barones de regno quos voluerint qui debent pro totis viribus suis observare tenere et facere observari pacem et libertates quas dominus rex eis concessit et carta sua confirmavit ita videlicet quod si rex vel justiciarius vel ballivi regis vel aliquis de ministris suis in aliquo erga aliquem deliquerit vel aliquem articulorum pacis aut securitatis transgressus fuerit et delictum ostensum fuerit iiij^{or} baronibus de predictis xxv baronibus illi iiij^{or} barones accedent ad dominum regem vel ad justiciarium suum si rex fuerit extra regnum proponentes ei excessum petent ut excessum illum sine dilatione faciat emendari et si rex vel justiciarius ejus illud non emendaverit si rex fuerit extra regnum infra rationabile tempus determinandum in carta predicti iiij^{or} referent causam illam ad residuos de illis xxv baronibus et illi xxv cum communa totius terre distringent et gravabunt regem modis omnibus quibus poterunt scilicet per captionem castrorum terrarum possessionum et aliis modis quibus poterunt donec fuerit emendatum secundum arbitrium eorum salva persona domini regis et regine et liberorum suorum et cum fuerit emendatum intendant domino regi sicut prius et quicumque voluerit de terra jurabit se ad predicta exequenda parituum mandatis predictorum xxv baronum

num et gravaturum regem pro posse suo cum
ipsis et rex publice et libere dabit licentiam
jurandi cuilibet qui jurare voluerit et nulli
umquam jurare prohibebit omnes autem il-
los de terra qui sponte sua et per se nolue-
rint jurare xxv baronibus de distringendo et
gravando regem cum eis rex faciet jurare
eosdem de mandato suo sicut predictum est
Item si aliquis de predictis xxv baronibus
decefferit vel a terra recesserit vel aliquo mo-
do alio impeditus fuerit quo minus ista pre-
dicta possint exequi qui residui fuerint de
xxv eligent alium loco ipsius pro arbitrio suo
qui simili modo erit juratus quo et ceteri In
omnibus autem que istis xxv baronibus com-
mittuntur exequenda si forte ipsi xxv pre-
sentes fuerint et inter se super re aliqua dis-
cordaverint vel aliqui ex eis vocati nolint vel
nequeant interesse ratum habebitur et fir-
mum quod major pars ex eis providerit vel
preceperit ac si omnes xxv in hoc consensis-
sent et predicti xxv jurabunt quod omnia an-
tedicta fideliter observabunt et pro toto posse
suo facient observari Preterea rex faciet eos
securos per cartas archiepiscopi et episcopo-
rum et magistri Pandulfi quod nichil impe-
trabit a domino papa per quod aliqua is-
tarum conventionum revocetur vel minuatur
et si aliquid tale impetraverit reputetur irri-
tum et inane et nunquam eo utatur.



M A G N A C A R T A

REGIS JOHANNIS,

XV DIE JUNII, MCCXV,

ANNO REGNI XVII.

JOHANNES ^a Dei gratia rex Anglie
dominus Hybernæ dux Normannie
^b Aquitanie et comes Andegavie archiepiscopus
episcopis abbatibus comitibus baroni-

V A R I A E L E C T I O N E S ,

*desumptae ex Libro rubro Scaccharii Westm. (fol. ccxxxiiij.)
signantur Litera R : — ex Carta autographa altera in Bib-
liotheca Cottoniana, Littra et Numero C 2.*

^a OMNIBUS Christi fidelibus ad
quos presens scriptum pervenerit Ste-
phanus Dei gratia Cantuar' archiepiscopus
totius Anglie primas et sancte
Romane ecclesie cardinalis Henricus
eadem gratia Dublin' archiepiscopus
Willielmus London' Petrus Winton'
Joscelinus Bathon' et Glasston' Hugo
Linc' Walterus Wigorn' Willielmus
Coventr' et Benedictus Roff' divina
misericordia episcopi et magister Pan-

dulfus domini pape subdiaconus et fa-
miliaris salutem in Domino Sciatis
nos inspexisse cartam quam dominus
noster Johannes illustris rex Anglie
fecit comitibus baronibus et liberis
hominibus suis Anglie de libertate
sancte ecclesie et libertatibus et liberis
consuetudinibus suis eisdem ab eo con-
cessis sub hac forma JOHANNES &c.
R.

^b et Aquitanie comes. R.

bus

bus justiciariis forestariis vicecomitibus prepositis ministris et omnibus ballivis et fidelibus suis salutem Sciatis nos intuitu Dei et pro salute anime nostre et omnium antecessorum et heredum nostrorum ad honorem Dei et exaltationem sancte ecclesie et emendationem regni nostri per consilium venerabilium patrum nostrorum Stephani Cant' archiepiscopi totius Anglie primatis et sancte Romane ecclesie cardinalis Henrici Dublin' archiepiscopi Willielmi London' Petri Winton' Joscelini Bathon' et Glaстон' Hugonis Lincoln' Walteri Wygorn' Willielmi Coventr' et Benedicti Roff' episcoporum magistri Pandulfi domini pape subdiaconi et familiaris fratris ^c Eymerici magistri militie templi in Anglia et nobilium virorum Willielmi Mariscalli comitis Penbrok Willielmi comitis Sar' Willielmi comitis Warenn' Willielmi comitis Arundell' Alani de Galweya constabularii Scottie Warini filii Geroldi Petri filii Hereberti Huberti de Burgo senescalli Piectavie Hugonis de Nevill' Mathei filii Hereberti Thome Bassset Alani Bassset Philippi de Albin' Roberti ^d de Roppel' Johannis Mariscalli Johannis filii Hugonis et
 I aliorum fidelium nostrorum In primis concessisse Deo et hac presenti carta nostra con-

V A R I A E L E C T I O N E S.

^c Emerici, R.^d *deest* de, R.

firmasse

firmasse pro nobis et heredibus nostris in perpetuum quod Anglicana ecclesia libera sit et habeat jura sua integra et libertates suas illesas et ita volumus observari quod apparet ex eo quod libertatem electionum que maxima et magis necessaria reputatur ecclesie Anglicane mera et spontanea voluntate ante discordiam inter nos et barones nostros motam concessimus et carta nostra confirmavimus et eam optinuimus a domino papa Innocentio tertio confirmari quam et nos observabimus et ab heredibus nostris in perpetuum bona fide volumus observari Concessimus etiam omnibus liberis hominibus regni nostri pro nobis et heredibus nostris in perpetuum omnes libertates subscriptas habendas et tenendas eis et heredibus i. suis de nobis et heredibus nostris Si quis 2 comitum vel baronum nostrorum sive aliorum tenentium de nobis in capite per servitium militare mortuus fuerit et cum decesserit heres suus plene etatis fuerit et relevium debeat habeat hereditatem suam per antiquum relevium scilicet heres vel heredes comitis de baronia comitis integra per centum libras heres vel heredes baronis de baronia integra per centum ^e libras heres vel heredes militis de feodo militis integro per

VARIÆ LECTIONES.

^e librum, R.

B

centum

centum solidos ad plus et qui minus debue-
rit minus det secundum antiquam consuetu-
3 dinem feodorum Si autem heres alicujus ii.
talium fuerit infra etatem et fuerit in custo-
dia cum ad etatem pervenerit habeat here-
4 ditatem suam sine relevio et sine fine Cuf- iii.
tos terre hujusmodi heredis qui infra etatem
fuerit non capiat de terra heredis nisi ratio-
nabiles exitus et rationabiles consuetudines
et rationabilia servitia et hoc sine destruc-
tione et vasto hominum vel rerum et si nos
commiserimus custodiam alicujus talis terre
vicecomiti vel alicui alii qui de exitibus il-
lius nobis respondere debeat et ille destruc-
tionem de custodia fecerit vel vastum nos ab
illo capiemus emendam et terra committat-
tur duobus legalibus et discretis hominibus
de feodo illo qui de exitibus respondeant
nobis vel ei cui eos assignaverimus et si de-
derimus vel vendiderimus alicui custodiam
alicujus talis terre et ille destructionem inde
fecerit vel vastum amittat ipsam custodiam
et tradatur duobus legalibus et discretis ho-
minibus de feodo illo qui similiter nobis re-
5 spondeant sicut predictum est Custos autem
quamdiu custodiam terre habuerit sustentet
domos parcos vivaria stagna molendina et
cetera ad terram illam pertinentia de exiti-
bus terre ejusdem et reddat heredi cum ad^{xxxv.}
plenam etatem pervenerit terram suam to-
tam

- tam instauratam de carrucis et wainnagiis
secundum quod tempus wainnagii exigit et
exitus terre rationabiliter poterunt sustinere
- iii. Heredes maritentur absque disparagatione 6
ita tamen quod antequam contrahatur ma-
trimonium ostendatur propinquis de consan-
- iv. guinitate ipsius heredis Vidua post mortem 7
mariti sui ^f statim et sine difficultate habeat
maritagium et hereditatem suam nec aliquid
det pro dote sua vel pro maritagio suo vel
hereditate sua quam hereditatem maritus
suus et ipsa ^g tenuerint die obitus ipsius ma-
riti et maneat in domo mariti sui per qua-
draginta dies post mortem ipsius infra quos
- xvii. assignetur ei dos sua Nulla vidua distrin- 8
gatur ad se ^h maritandum dum voluerit vivere
sine marito ita tamen quod securitatem faciat
quod se non maritabit sine assensu nostro si
de nobis tenuerit vel sine assensu domini sui
- v. de quo tenuerit si de alio tenuerit Nec nos 9
nec ballivi nostri seisiemus terram aliquam
nec redditum pro debito aliquo quamdiu ca-
talla debitoris sufficiunt ad debitum reddend-
um nec pleggii ipsius debitoris distringant-
ur quamdiu ipse capitalis debitor sufficit ad
solutionem debiti et si capitalis debitor defe-
cerit in solutione debiti non habens unde

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^f statim. R. C 2.

^h maritandam. R.

^g tenuerunt. R.

- solvat pleggii respondeant de debito et si voluerint habeant terras et redditus debitoris donec sit eis satisfactum de debito quod ante pro eo solverint nisi capitalis debitor monstraverit se esse quietum inde versus eosdem
- 10 pleggios Si quis mutuo ceperit aliquid a xxxiv
Judeis plus vel minus et moriatur antequam debitum illud solvatur debitum non ufuret quamdiu heres fuerit infra etatem de quocumque teneat et si debitum illud inciderit in manus nostras nos non capiemus nisi catalogum contentum in carta Et si quis moriatur xxxv
et debitum debeat Judeis uxor ejus habeat dotem suam et nichil reddat de debito illo et si liberi ipsius defuncti qui fuerint infra etatem remanserint provideantur eis necessaria secundum tenementum quod fuerit defuncti et de residuo solvatur debitum salvo servitio dominorum simili modo fiat de debitis que debentur aliis quam Judeis Nul- xxxvi
lum scutagium vel auxilium ponatur in regno nostro nisi per commune consilium regni nostri nisi ad corpus nostrum redimendum et primogenitum filium nostrum militem faciendum et ad filiam nostram primogenitam semel maritandam et ad ⁱ hec non fiat nisi rationabile auxilium simili modo fiat de
- 13 auxiliis de civitate London' Et civitas Lon-

don' habeat omnes antiquas libertates et liberas consuetudines suas tam per terras quam ^k per aquas Preterea volumus et concedimus quod omnes alie civitates et burgi et ville et portus habeant omnes libertates et liberas consuetudines suas Et ad habendum. 14 commune consilium regni de auxilio assidendo aliter quam in tribus casibus predictis vel de scutagio assidendo summoneri faciemus archiepiscopos episcopos abbates comites et majores barones sigillatim per litteras nostras et preterea faciemus summoneri in generali per vicecomites et ballivos nostros omnes illos qui de nobis tenent in capite ad certum diem scilicet ad terminum quadraginta dierum ad minus et ad certum locum et in omnibus litteris illius summonitionis causam summonitionis exprimemus et sic facta summonitione negotium ad diem assignatum procedat secundum consilium illorum qui presentes fuerint quamvis non omnes vi. summoniti venerint Nos non concedemus 15 de cetero alicui quod capiat auxilium de liberis hominibus suis nisi ad corpus suum redimendum et ad faciendum primogenitum filium suum militem et ad primogenitam filiam suam semel maritandam et ad hec non vii. fiat nisi rationabile auxilium Nullus dis- 16

tringatur ad faciendum majus servitium de feodo militis nec de alio libero tenemento
17 quam inde debetur Communia placita non ^{viii.}
sequantur curiam nostram set teneantur in
18 aliquo loco certo Recognitiones de nova
disseisina de morte antecessoris et de ultima
presentatione non capiantur nisi in suis comitatibus et hoc modo Nos vel si extra regnum fuerimus capitalis justiciarius noster mittemus duos justiciarios per unumquemque comitatum per quatuor vices in anno qui cum quatuor militibus cujuslibet comitatus electis per comitatum capiant in comitatu et in die et loco comitatus assisas pre-
19 dictas Et si in die comitatus assise predicte ^{xiii.}
capi non possint tot milites et libere tenentes remaneant de illis qui interfuerint comitatui die illo per quos possint judicia sufficienter fieri secundum quod negotium fuerit
20 majus vel minus Liber homo non amer- ^{ix.}
cietur pro parvo delicto nisi secundum modum delicti et pro magno delicto amercietur secundum magnitudinem delicti salvo contentamento suo et mercator eodem modo salva mercandisa sua et villanus eodem modo amercietur salvo wainnagio suo si inciderint in misericordiam nostram et nulla predictarum misericordiarum ponatur nisi per sacramentum proborum hominum de visneto
21 Comites et barones non amercientur nisi per pares

pares suos et non nisi secundum modum de-
 x. lieti Nullus clericus amercietur de laico 22
 tenemento suo nisi secundum modum alio-
 rum predictorum et non secundum quanti-
 xi. tatem beneficii sui ecclesiastici Nec villa 23
 nec homo distringatur facere pontes ad ri-
 parias nisi qui ab antiquo et de jure facere
 xiv. debent Nullus vicecomes constabularius 24
 coronatores vel alii ballivi nostri teneant
 placita corone nostre Omnes comitatus 25
 hundredi wapentak' et trething' sint ad an-
 tiquas firmas absque ullo incremento excep-
 xv. tis dominicis maneriis nostris Si aliquis te- 26
 nens de nobis laicum feodum moriatur et
 vicecomes vel ballivus noster ostendat litteras
 nostras patentes de summonitione nostra de
 debito quod defunctus nobis debuit liceat
 vicecomiti vel ballivo nostro attachiare et
 inbreviare catalla defuncti inventa in laico
 feodo ad valentiam illius debiti per visum
 legalium hominum ita tamen quod nichil
 inde amoveatur donec persolvatur nobis de-
 bitum quod clarum fuerit et residuum relin-
 quatur executoribus ad faciendum testamen-
 tum defuncti et si nichil nobis debeatur ab
 ipso omnia catalla cedant defuncto salvis
 uxori ipsius et pueris rationabilibus partibus
 xvi. suis Si aliquis liber homo intestatus dece- 27
 serit catalla sua per manus propinquorum
 parentum et amicorum suorum per visum
 ecclesie

- ecclesie distribuuntur salvis unicuique de-
 28 bitis que defunctus ei ¹ debebat Nullus ^{xviii.}
 constabularius vel alius ballivus noster ca-
 piat blada vel alia catalla alicujus nisi sta-
 tim inde reddat denarios aut respectum
 inde habere possit de voluntate venditoris
 29 Nullus constabularius distringat aliquem ^{xix.}
 militem ad ^m dandum denarios pro custo-
 dia castri si facere voluerit custodiam il-
 lam in propria persona sua vel per alium
 probum hominem si ipse eam facere non
 possit propter rationabilem causam et si
 nos duxerimus vel miserimus eum in ex-
 ercitu erit quietus de custodia secundum
 quantitatem temporis quo per nos fuerit
 30 in exercitu Nullus vicecomes vel ballivus ^{xx.}
 noster vel aliquis alius capiat equos vel
ⁿ caretas alicujus liberi hominis pro caria-
 gio faciendo nisi de voluntate ipsius liberi
 31 hominis Nec nos nec ballivi nostri capie- ^{xxi.}
 mus alienum boscum ad castra vel alia agen-
 da nostra nisi per voluntatem ipsius cujus
 32 boscus ille fuerit Nos non tenebimus ter- ^{xxii.}
 ras illorum qui convicti fuerint de feloniam
 nisi per unum annum et unum diem et tunc
 33 reddantur terre dominis feodorum Omnes ^{xxiii.}
 kydelli de cetero deponantur penitus de

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¹ debeat. R.ⁿ carcetas, R.^m dandum, R.

Thamisia

Thamisia et de ° Medewaye et per totam
 xxiv. Angliam nisi per costeram maris Breve 34
 quod vocatur Precipe de cetero non fiat ali-
 cui de aliquo tenemento unde liber homo
 xxii. amittere possit curiam suam Una mensura 35
 vini sit per totum regnum nostrum et una
 mensura cervisie et una mensura bladi scili-
 cet quarterium London' et una latitudo pan-
 norum tinctorum et ruffetorum et halber-
 gettorum scilicet due ulne infra listas de
 xxvi. ponderibus autem sit ut de mensuris Nichil 36
 detur vel capiatur de cetero pro brevi inqui-
 sitionis de vita vel membris set gratis con-
 cedatur et non negetur Si aliquis teneat de 37
 nobis per feodifirmam vel per ^p fokagium vel
 per burgagium et de alio terram teneat per
 servitium militare nos non habebimus custo-
 diam heredis nec terre sue que est de feodo
 alterius occasione illius feodifirme vel ^q fok-
 agii vel burgagii nec habebimus custodiam
 illius feodifirme vel ^r fokagii vel burgagii
 nisi ipsa feodifirma debeat servitium militare
 Nos non habebimus custodiam heredis vel
 terre alicujus quam tenet de alio per servi-
 tium militare occasione alicujus parve ser-
 genterie quam tenet de nobis per servitium
 reddendi nobis cultellos vel sagittas vel hu-

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° Medwai. R.

q foccagii. R.

p foccagium. R.

r foccagii. R.

jussimodi

- 38 jufmodi Nullus ballivus ponat de cetero xxviii.
 aliquem ad legem fimplici loquela fua fine
 39 teftibus fidelibus ad hoc inductis Nullus xxix.
 liber homo capiat vel imprifonetur aut
 diffai fiat aut utlagetur aut aliquo modo
 deftruatur nec fuper eum ibimus nec fuper
 eum mittemus nifi per legale judicium pa-
 40 rium fuorum vel per legem terre Nulli xxx.
 vendemus nulli negabimus aut differemus
 41 rectum aut jufticiam Omnes mercatores xxxi.
 habeant falvum et fecurum exire de Anglia
 et venire in Angliam et morari et ire per
 Angliam tam per terram quam per aquam
 ad emendum et vendendum fine omnibus
 malis toltis per antiquas et rectas confuetu-
 dines preterquam in tempore gwerre et fi
 fint de terra contra nos ^s gwerriva et fi tales
 inveniantur in terra noftra in principio gwerre
 attachientur fine dampno corporum et rerum
 donec fciatur a nobis vel ^t capitali jufticiario
 noftro quomodo mercatores terre noftre trac-
 tentur qui tunc invenientur in terra contra
 nos ^u gwerriva et fi noftri falvi fint ibi alii
 42 falvi fint in terra noftra Liceat unicuique xxxii.
 de cetero exire de regno noftro et redire
 falvo et fecure per terram et per aquam falva
 fide noftra nifi tempore gwerre per aliquod

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^s guerrina. R.^u guerrina. R.^t a capitali. R.

breve

breve tempus propter communem utilitatem
 regni exceptis inprisonatis et utlagatis secun-
 dum legem regni et gente de terra contra
 nos ^w gwerriva et mercatoribus de quibus
 xxxvi. fiat sicut predictum est Si quis tenuerit de 43
 aliqua escaeta ^x sicut de honore Walingeford
 Notingeham ^y Bon' Lainkastr' vel de aliis
 eskaetis que sunt in manu nostra et sunt
 baronie et obierit heres ejus non det aliud
 relevium nec faciat nobis aliud servitium
 quam faceret baroni si baronia illa esset in
 manu baronis et nos eodem modo eam te-
 xxxix. nebimus quo baro eam tenuit Homines 44
 qui manent extra forestam non veniant de
 cetero coram justiciariis nostris de foresta
 per communes summonitiones nisi sint in
 placito vel pleggii alicujus vel aliquorum
 xlii. qui attachiati sint pro foresta Nos non fa- 45
 ciemus justiciarios constabularios vicecomi-
 tes vel ballivos nisi de talibus qui sciant le-
 gem regni et eam bene velint observare
 xliii. Omnes barones qui fundaverunt abbatias 46
 unde habent cartas regum Anglie vel anti-
 quam tenuram habeant earum custodiam
 xlvii. cum vacaverint sicut habere debent Om- 47
 nes foreste que aforestate sunt tempore nos-
 tro statim deafforestentur et ita fiat de ripa-

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^w guerrina. R.^y Bolon'. C 2.^x *deest* sicut. R.

riis que per nos tempore nostro posite sunt
 48 in defenso Omnes male consuetudines de xxxix.
 forestis et warennis et de forestariis et wa-
 rennariis vicecomitibus et eorum ministris
 ripariis et earum custodibus statim inqui-
 rantur in quolibet comitatu per duodecim
 milites juratos de eodem comitatu qui de-
 bent eligi per probos homines ejusdem co-
 mitatus et infra quadraginta dies post inqui-
 sitionem factam penitus ita quod numquam
 revocentur deleantur per eosdem ita quod
 nos hoc sciamus prius vel justiciarius noster
 49 si in Anglia non fuerimus Omnes obsides xxxvii.
 et cartas statim reddemus que liberate fue-
 runt nobis ab Anglicis in securitatem pacis
 50 vel fidelis servitii Nos amovebimus penitus xl.
 de balliis parentes Gerardi de ^z Athyes quod
 de cetero nullam habeant balliam in Anglia
 Engelardum de Cygony Andream Petrum
 et ^a Gyonem de Cancell' Gyonem de Cygony
 Galfridum de ^b Martyni et fratres ejus Phi-
 lippum ^c Mark et fratres ejus et Galfridum
 nepotem ejus et totam sequelam eorundem
 51 Et statim post pacis reformationem amove- xli.
 bimus de regno omnes alienigenas milites
 balistarios servientes stipendiarios qui vene-
 rint cum equis et armis ad nocumentum

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^z Atyes, R.^b Marteni, R.^a Gionem, R.^c Marci, R.

regni

xxv. regni Si quis fuerit disseisitus vel elongatus 52
 per nos sine legali iudicio parium suorum de
 terris castallis libertatibus vel jure suo statim
 ea ei restituemus et si contentio super hoc
 orta fuerit tunc inde fiat per iudicium viginti
 quinque baronum de quibus fit mentio in-
 ferius in securitate pacis de omnibus autem
 illis de quibus aliquis disseisitus fuerit vel
 elongatus sine legali iudicio parium suorum
 per Henricum regem patrem nostrum vel
 per Ricardum regem fratrem nostrum que
 in manu nostra habemus vel que alii tenent
 que nos oporteat warantizare respectum ha-
 bebimus usque ad communem terminum
 cruce signatorum exceptis illis de quibus pla-
 citum motum fuit vel inquisitio facta per
 preceptum nostrum ante susceptionem crucis
 nostre cum autem redierimus de peregrina-
 tione nostra vel si forte remanserimus a pe-
 regrinatione nostra statim inde plenam justi-
 ciam exhibebimus Eundem autem respec- 53
 tum habebimus et eodem modo de justitia
 exhibenda de forestis deafforestandis vel re-
 mansuris forestis quas Henricus pater noster
 vel Ricardus frater noster afforestaverunt et
 de custodiis terrarum que sunt de alieno
 feodo cujusmodi custodias hucusque habui-
 mus occasione feodi quod aliquis de nobis
 tenuit per servitium militare et de abbatiis
 que fundate fuerint in feodo alterius quam
 nostro

nostro in quibus dominus feodi dixerit se jus
 habere et cum redierimus vel si remanserimus a peregrinatione nostra super hiis conquerentibus plenam justiciam statim exhibe-
 54 bimus Nullus capiatur nec imprisonetur
 propter ^d appellum femine de morte alterius
 55 quam viri sui Omnes fines qui injuste et xxxvii.
 contra legem terre facti sunt nobiscum et
 omnia amerciamenta facta injuste et contra
 legem terre omnino condonentur vel fiat
 inde per judicium viginti quinque baronum
 de quibus fit mentio inferius in securitate
 pacis vel per judicium majoris partis eorum-
 dem una cum predicto Stephano Cant' ar-
 chiepiscopo si interesse poterit et aliis quos
 secum ad hoc vocare voluerit et si interesse
 non poterit nichilominus procedat negotium
 sine eo ita quod si aliquis vel aliqui de pre-
 dictis viginti quinque baronibus fuerint in
 simili querela amoveantur quantum ad hoc
 judicium et alii loco illorum per residuos de
 eisdem viginti quinque tantum ad hoc faci-
 56 endum electi et jurati substituantur Si nos xliv.
^e dissaivimus vel elongavimus Walenses de
 terris vel libertatibus vel rebus aliis sine le-
 gali judicio parium suorum in Anglia vel in
 Wallia eis statim reddantur et si contentio
 super hoc orta fuerit tunc inde fiat in mar-

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^d appellam, R.^e disseivimus, R.

chia

chia per judicium parium suorum de tenementis Anglie secundum legem Anglie de tenementis Wallie secundum legem Wallie de tenementis marchie secundum legem marchie idem facient Walenses nobis et nostris De omnibus autem illis de quibus aliquis Walensium ^f disfaistis fuerit vel elongatus sine legali judicio parium suorum per Henricum regem patrem nostrum vel Ricardum regem fratrem nostrum que nos in manu nostra habemus vel ^g que alii tenent que nos oporteat warantizare respectum habebimus usque ad communem terminum cruce signatorum illis exceptis de quibus placitum motum fuit vel inquisitio facta per preceptum nostrum ante susceptionem crucis nostre cum autem redierimus vel si forte remanserimus a peregrinatione nostra statim eis inde plenam justiciam exhibebimus secundum leges Walensium et partes predictas

xliv. Nos reddemus filium Lewelini statim et ⁵⁸ omnes obsides de Wallia et cartas que nobis liberate fuerunt in securitatem pacis Nos ⁵⁹ faciemus Allexandro regi Scottorum de fororibus suis et obsidibus reddendis et libertatibus suis et jure suo secundum formam in qua faciemus aliis baronibus nostris Anglie nisi aliter esse debeat per cartas quas habe-

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^f disfaistis. R.^g deest que, R.

mus

mus de Willielmo patre ipsius quondam
 rege Scottorum et hoc erit per iudicium pa-
 60 rium suorum in curia nostra Omnes autem xlvi.
 istas consuetudines predictas et libertates
 quas nos ^h concessissimus in regno nostro te-
 nendas quantum ad nos pertinet erga nostros
 omnes de regno nostro tam clerici quam
 laici observent quantum ad se pertinet erga
 61 suos Cum autem pro Deo et ad emenda- xlix.
 tionem regni nostri et ad melius sopiendum
 discordiam inter nos et barones nostros or-
 tam hec omnia predicta ⁱ concesserimus vo-
 lentes ea integra et firma stabilitate ^k gau-
 dere in perpetuum facimus et concedimus
 eis securitatem subscriptam videlicet quod
 barones eligant viginti quinque barones de
 regno quos voluerint qui debeant pro totis
 viribus suis observare tenere et facere obser-
 vari pacem et libertates quas eis concessimus
 et hac presenti carta nostra confirmavimus
 ita scilicet quod si nos vel justiciarius noster
 vel ballivi nostri vel aliquis de ministris nos-
 tris in aliquo erga aliquem deliquerimus vel
 aliquem articulorum pacis aut securitatis
 transgressi fuerimus et delictum ostensum
 fuerit quatuor baronibus de predictis viginti
 quinque baronibus illi quatuor barones ac-

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^h concessimus, R. C2.^k imperpetuum gaudere, R.ⁱ concessimus, R.

cedant

cedant ad nos vel ad justiciarium nostrum si fuerimus extra regnum proponentes nobis excessum petent ut excessum illum sine dilatione faciamus emendari et si nos excessum non emendaverimus vel si fuerimus extra regnum justiciarius noster non emendaverit infra tempus quadraginta dierum computandum a tempore quo monstratum fuerit nobis vel justiciario nostro si extra regnum fuerimus predicti quatuor barones referant causam illam ad residuos de ^l viginti quinque baronibus et illi viginti quinque barones cum communa totius terre distringent et gravabunt nos modis omnibus quibus poterunt scilicet per captionem castrorum terrarum possessionum et aliis modis quibus poterunt donec fuerit emendatum secundum arbitrium eorum salva persona nostra et regine nostre et liberorum nostrorum et cum fuerit emendatum intendent nobis sicut prius fecerunt Et quicumque voluerit de terra juret quod ad predicta omnia exequenda parebit mandatis predictorum viginti quinque baronum et quod gravabit nos pro posse suo cum ipsis et nos publice et libere damus licentiam jurandi cuilibet qui jurare voluerit et nulli umquam jurare ^m prohibebimus Omnes autem illos de terra qui per se et sponte sua

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^l illis viginti quinque, R. C 2. ^m prohibemus, R.

C

ⁿ noluerint

ⁿ noluerint jurare viginti quinque baronibus de distringendo et gravando nos cum eis faciemus jurare eosdem de mandato nostro sicut predictum est Et si aliquis de viginti quinque baronibus decesserit vel a terra recesserit vel aliquo alio modo impeditus fuerit quo minus ista predicta possent exequi qui residui fuerint ° de predictis viginti quinque baronibus eligant alium loco ipsius pro arbitrio suo qui simili modo erit juratus quo et ceteri In omnibus autem que istis viginti quinque baronibus committuntur exequenda si forte ipsi viginti quinque presentes fuerint et inter se super re aliqua discordaverint vel aliqui ex eis summoniti nolint vel nequeant interesse ratum habeatur et firmum quod major pars eorum qui presentes fuerint providerit vel preceperit ac si omnes viginti quinque in hoc consensissent et predicti viginti quinque jurent quod omnia antedicta fideliter observabunt et pro^p toto posse suo facient observari Et nos nichil impetrabimus ab aliquo per nos nec per alium per quod aliqua istarum concessionum^q et libertatum revocetur vel minuatur et si aliquid tale impetratum fuerit irritum sit et inane et numquam eo utemur per nos

V A R I A E L E C T I O N E S.

ⁿ voluerint. R.

p tote. R.

° de illis viginti quinque. R.

q vel. R.

nec

nec per alium Et omnes malas voluntates 62
 indignationes et rancores ortos inter nos et
 homines nostros clericos et laicos a tempore
 discordie plene remisimus et con-
 donavimus Preterea omnes transgressiones
 factas occasione r ejusdem discordie a pascha
 anno regni nostri sextodecimo usque ad pa-
 cem reformatam plene remisimus omnibus
 clericis et laicis et quantum ad nos pertinet
 lix. plene condonavimus Et insuper fecimus
 eis fieri litteras testimoniales patentes domini
 Stephani Cant' archiepiscopi domini Henrici
 Dublin' archiepiscopi et episcoporum pre-
 dictorum et magistri Pandulfi super securi-
 tate ista et concessionibus prefatis Quare. 63
 volumus et firmiter precipimus quod Angli-
 cana ecclesia libera sit et quod homines in
 regno nostro habeant et teneant omnes pre-
 fatas libertates jura et concessiones bene et
 in pace libere et quiete plene et integre sibi
 et heredibus suis de nobis et heredibus nos-
 tris in omnibus rebus et locis in perpetuum
 sicut predictum est Juratum est autem tam
 ex parte nostra quam ex parte baronum quod
 hec omnia supradicta bona fide et sine malo
 ingenio observabuntur Testibus supradictis
 et multis aliis Data per manum nostram

in prato quod vocatur 'Runingmed' inter
 'Windelesorum et Stanes quinto decimo die
 Junii anno regni nostri septimo decimo. ^u

VARIAE LECTIONES.

^s Runigmed'. R. Ronimed'.
 C 2.

^u Et ne huic forme predictae aliquid
 possit addi vel ab eadem aliquid possit
 subtrahi vel minui huic scripto sigilla
 nostra apposuimus. R.

^t Windelesore. R.



C O N V E N T I O

I N T E R

REGEM JOHANNEM

E T

B A R O N E S.

HEC est conventio facta inter dominum Johannem regem Anglie ex una parte et Robertum filium Walteri marescallum exercitus Dei et sancte ecclesie in Anglia et Ricardum comitem de Clara Gaufridum comitem Essex' et Glouc' Rogerum Bigot comitem Northfolc' et Suthfolc' Sahe-
rum comitem Wint' Robertum comitem Oxon' Henricum comitem Hereford' et barones subscriptos scilicet Willielmum Marescallum juniorem Eustachium de Vescy Willielmum de Mobray Johannem filium Roberti Rogerum de Monte Begonis Willielmum

lielmum de Lanvalay et alios comites et barones et liberos homines totius regni ex altera parte videlicet quod ipsi comites et barones et alii prescripti tenebunt civitatem London' de baillio domini regis salvis interim domino regi firmis redditibus et claris debitis suis usque ad assumptionem beate Marie anno regni ipsius regis xvii^{mo} et dominus Cant' tenebit similiter de baillio domini regis turrim London' usque ad predictum terminum salvis civitati London' libertatibus suis et liberis consuetudinibus suis et salvo cuilibet jure suo in custodia turris London' et ita quod interim non ponat dominus rex munitionem vel vires alias in civitate predicta vel in turri London' Fiant etiam infra predictum terminum sacramenta per totam Angliam viginti quinque baronibus sicut continentur in carta de libertatibus et securitate regno concessis vel attornatis viginti quinque baronum sicut continentur in literis de duodecim militibus eligendis ad delendum malas consuetudines de forestis et aliis Et preterea infra eundem terminum omnia que comites et barones et alii liberi homines petunt a domino rege que ipse dixerit esse reddenda vel que per xxv barones aut per majorem partem eorum judicata fuerint esse reddenda reddantur secundum formam predictæ cartæ Et si hec facta fuerint

rint vel per dominum regem non steterit quo minus ista facta fuerint infra predictum terminum tunc civitas et turris London' ad eundem terminum statim reddantur domino regi salvis predictæ civitati libertatibus suis et liberis consuetudinibus suis sicut prescriptum est Et si hec facta non fuerint et per dominum regem steterit quod ista non fiant infra predictum terminum barones tenebunt civitatem predictam et dominus archiepiscopus turrin London' donec predicta compleantur Et interim omnes ex utraque parte recuperabunt castra terras et villas quas habuerunt in initio guerre orte inter dominum regem et barones,

M A G N A C A R T A

REGIS HENRICI III,

XII DIE NOVEMBRIS, MCCXVI,

ANNO REGNI I.

HENRICUS Dei gratia rex Anglie
dominus Hybernice dux Normannie
^a Aquitanie et comes Andegavie archiepif-
copis episcopis abbatibus comitibus baroni-
bus justiciariis forestariis vicecomitibus pre-
positis ministris ^b ballivis et ^c omnibus fide-
libus suis salutem Sciatis nos intuitu Dei
et pro salute anime nostre et omnium ante-
cessorum et successorum nostrorum ad hono-
rem Dei et exaltationem sancte ecclesie et
emendationem regni nostri per consilium

V A R I A E L E C T I O N E S,

desumptae ex Libro rubro Scaccharii Dublin. signantur Litera D.

^a et Aquitanie comes, D.

^c *deest* omnibus, D.

^b civibus ballivis, D.

venerabilium

venerabilium patrum nostrorum domini Gualonis titulo sancti Martini presbiteri cardinalis apostolice sedis legati Petri Wint' ^d R. de sancto Asapho J. Bathon' et Glaston' S. Exon' R. Cicestr' W. Coventr' ^e B. Roff' H. ^f Landav' Menevens' Bangor' et S. Wygorn' episcoporum et nobilium virorum Willielmi Marefcalli comitis Penbroc' Ranulfi comitis Cestr' Willielmi de Ferrar' comitis ^g Dereb' Willielmi comitis ^h Albemarle Huberti de Burgo justiciarii nostri ⁱ Savarici de Malo Leone Willielmi ^k Brigwerr' patris Willielmi ^l Brigwerr' filii Roberti de Curtenai Falkefii de Breante Reginaldi de Vautort Walteri de ^m Lascey Hugonis de Mortuo Mari Johannis de Monemute Walteri de ⁿ Bello Campo Walteri de Clifford Roberti de Mortuo Mari Willielmi de Cantilup' Mathei filii Hereberti Johannis Marifcalli Alani Bassett Philippi de Albiniaco Johannis Extranei et ⁱ aliorum fidelium nostrorum Inprimis concessisse Deo et hac presenti carta nostra confirmasse pro nobis et heredibus nostris in perpetuum quod ^o Anglicana ecclesia libera sit

VARIÆ LECTIONES.

^d L. de. D.^k Bruerie. D.^e W. Rossen'. D.^l Bruerie. D.^f London. D.^m Laci. D.^g de Derbia. D.ⁿ Beuchamp. D.^h de Aubomarle. D.^o Hybernicana. D.ⁱ Savantii. D.

et habeat jura sua integra et libertates suas illefas Concessimus etiam omnibus liberis hominibus ^p regni nostri pro nobis et heredibus ^q nostris imperpetuum omnes libertates subscriptas habendas et tenendas eis et heredibus suis de nobis et heredibus nostris

- 2 Si quis comitum vel baronum nostrorum ^{ii.} siue aliorum tenentium de nobis in capite per servicium militare mortuus fuerit et cum decesserit heres suus plene etatis fuerit et relevium ^r debeat habeat hereditatem suam per antiquum relevium scilicet heres vel heredes comitis de baronia comitis integra per centum libras heres vel heredes baronis de ^s baronia integra per centum libras heres vel heredes militis de ^t feodo militis integro per centum solidos ad plus et qui minus debuerit minus det secundum antiquam consuetudinem feodorum Si autem heres alicujus ^{iii.} talium fuerit infra etatem dominus ejus non habeat custodiam ^u ejus nec terre sue antequam homagium ejus ceperit et postquam talis heres fuerit in custodia ^w cum ad etatem pervenerit scilicet viginti ^x unius ann' habeat hereditatem suam sine relevio et sine fine ita tamen quod si ipse dum infra etatem fuerit

V A R I A E L E C T I O N E S.

^p de regno nostro. D.

^t feudo. D.

^q deest nostris. D.

^u ipsius. D.

^r debeat. D.

^w deest cum. D.

^s baronia baronis integra. D.

^x et unius annorum. D.

^r fiat

^y fiat miles nichilominus terra remaneat in
 custodia domini sui usque ad terminum pre-
 dictum Custos terre ^z hujusmodi heredis 4
 qui infra etatem fuerit non capiat de terra
 heredis nisi rationabiles exitus et rationabiles
 consuetudines et rationabilia servicia et hoc
 sine destructione ^a et vasto hominum vel re-
 rum et si nos commiserimus custodiam ali-
 cujus talis terre vicecomiti vel alicui alii qui
 de exitibus terre illius nobis respondere de-
 beat et ille destructionem de custodia fecerit
 vel vastum nos ab ^b illo capiemus emendam
 et ^c terra committatur duobus legalibus et
 discretis hominibus de feodo illo qui de ex-
 itibus nobis respondeant vel ei cui ^d illos as-
 signaverimus et si dederimus vel vendideri-
 mus alicui custodiam alicujus talis terre et
 ille destructionem inde fecerit vel vastum
 amittat ^e ipsam custodiam et tradatur duo-
 bus legalibus et discretis hominibus de feodo
 illo qui similiter nobis ^f respondeant sicut
 v. predictum est Custos autem quamdiu cus- 5
 todiam terre habuerit sustentet domos par-
 cos ^g vivarios stagna molendina et cetera ad
 illam terram pertinentia de exitibus terre

V A R I A E L E C T I O N E S.

^y *deest* fiat. D.^z hujus et heredis. D.^a vel. D.^b eo. D.^c terra illa. D.^d nos assignaverimus. D.^e custodiam illam. D.^f inde respondeant. D.^g vivaria stagna. D.

ejusdem

eiusdem et ^h reddat heredi cum ad plenam
 etatem pervenerit terram suam totam in-
 stauratam de carucis et omnibus aliis rebus
 ad minus secundum quod illam recepit Hec
 omnia observentur de ⁱ custodiis archiepisco-
 patuum episcopatum abbatiarum priora-
 tum ecclesiarum et ^k dignitatum vacantium
 excepto quod custodie ^l huiusmodi vendi non
 6 debent Heredes maritentur absque dispa- vi.
 7 ragatione Vidua post mortem mariti sui vii.
 statim et sine ^m difficultate aliqua habeat
 maritagium suum et hereditatem suam nec
 aliquid det pro dote sua vel ⁿ pro maritagio
 vel hereditate sua quam hereditatem maritus
 suus et ipsa ^o tenuerint die obitus ipsius ma-
 riti et maneat ^p in domo mariti sui per qua-
 draginta dies post mortem ipsius mariti sui
 infra quos ei assignetur dos sua nisi prius ei
 fuerit assignata vel nisi domus illa ^q sit cas-
 trum et si de castro recesserit statim provi-
 deatur ei domus competens in qua possit
 honeste morari quousque dos sua ei assigne-
 8 tur secundum quod predictum est Nulla viii.
 vidua distringatur ad se maritandum dum
 voluerit vivere sine marito ita tamen quod

V A R I A E L E C T I O N E S .

^h reddet. D.ⁿ deest pro. D.ⁱ custodia. D.^o tenuerunt. D.^k dignitatum. D.^p vidua in. D.^l huius. D.^q fuerit. D.^m dilatione. D.

securitatem

securitatem ^r faciet quod se non maritabit
 sine assensu nostro si de nobis tenuerit vel
 sine assensu domini sui si de alio tenuerit

ix. Nos ^s vero vel ballivi nostri non faisiemus 9

terram aliquam nec redditum pro debito ali-
 quo quamdiu catalla debitoris presentia suf-
 ficiunt ad debitum reddendum et ipse debi-
 tor paratus ^t sit inde satisfacere nec ^u plegii
 ipsius debitoris ^w distringantur quamdiu ipse
 capitalis debitor ^x sufficiat ad solutionem de-
 biti et si capitalis debitor defecerit in solu-
 tione ^y debiti non habens unde reddat aut
 reddere ^z nolit cum possit plegii respondeant
 de debito et si voluerint habeant terras et
 redditus debitoris quousque sit eis satisfactum
 de debito quod ante pro eo ^a solverint nisi
 capitalis debitor monstraverit se ^b inde esse

xiii. quietum versus eosdem plegios Civitas 10

^c 'London' habeat omnes antiquas libertates
 et liberas consuetudines suas Preterea vo-
 lumus et concedimus quod omnes alie ^d ci-
 vitates et burgi et ville et barones de quinque
 portibus et omnes portus habeant omnes li-

xvi. bertates et liberas consuetudines suas Nul- 11

V A R I A E L E C T I O N E S.

^r faciat. D.

^z noluerit. D.

^s *deest* vero. D.

^a solverunt. D.

^t *deest* sit. D.

^b *deest* inde. D.

^u plegium. D.

^c Dublin'. D.

^w distringatur. D.

^d civitates ville et burgi et omnes

^x sufficit. D.

portus. D.

^y *deest* debiti. D.

- lus distringatur ad faciendum majus servitium de feodo militis nec de alio libero tenemento quam inde debetur Communia ^{xvii.}
 placita non sequantur curiam nostram sed
 13 teneantur in aliquo certo loco Recognitio- ^{xviii.}
 nes de nova disseisina de morte antecessoris
 ° de ultima presentatione non capiantur nisi
 in suis comitatibus et hoc modo Nos vel si
 extra regnum fuerimus capitalis justiciarius
 noster mittemus duos justiciarios per unum-
 quemque comitatum per quatuor vices in
 anno qui cum quatuor militibus cujuslibet
 comitatus electis per comitatum capiant ⁱ in
 comitatu in die et loco comitatus assisas pre-
 14 dictas Et si in die comitatus assise predicte ^{xix.}
 capi non ^g possint tot milites et libere tenen-
 tes remaneant de illis qui ^h interfuerint co-
 mitatui die illo per quos possint sufficienter
 judicia fieri secundum quod negotium fuerit
 15 majus vel minus Liber homo non amer- ^{xx.}
 cietur pro parvo delicto nisi secundum mo-
 dum ⁱ ipsius delicti et pro magno delicto se-
 cundum magnitudinem delicti salvo conte-
 nemento suo et mercator eodem modo salva
^k mercandisia sua et villanus eodem modo
 amercietur salvo ^l wainnagio suo si inciderit

V A R I A E L E C T I O N E S.

^e et de. D.^f et in comitatu et. D.^g possunt. D.^h interfuerunt. D.ⁱ *deest* ipsius. D.^k mercandisia. D.^l wainnagio. D.

in misericordiam nostram et nulla predictarum misericordiarum ponatur nisi per sacramentum proborum et legalium hominum
 xxi. de visneto Comites et barones non amer- 16
 cientur nisi per pares suos et non nisi secundum
 xxii. dum modum delicti Nullus clericus amer- 17
 cietur nisi secundum formam predictorum et non secundum quantitatem beneficii sui
 xxiii. ecclesiastici Nec villa nec homo ^m distrin- 18
 gatur facere pontes ad riparias nisi qui ab
 xxiv. antiquo et de jure facere ⁿ debet Nullus 19
 vicecomes constabularius coronatores vel alii ballivi nostri teneant placita corone nostre
 xxvi. Si aliquis tenens de nobis laicum feodum 20
 moriatur et vicecomes vel ballivus noster ostendat literas nostras patentes de summonitione nostra de debito quod defunctus nobis debuit liceat vicecomiti vel ballivo nostro attachiare et imbreviare catalla defuncti inventa in laico feodo ad valentiam illius debiti per visum legalium hominum ita tamen quod nichil inde amoveatur donec persolvatur nobis debitum quod clarum fuerit et residuum relinquatur executoribus ad faciendum testamentum defuncti et si nichil ^o nobis debeatur ab ipso omnia catalla cedant defuncto salvo uxori ^p ipsius et pueris suis

V A R I A E L E C T I O N E S.

^m distringetur. D.^o *deest* nobis. D.ⁿ debent. D.^p sue. D.

D

rationa-

- 21 rationabilibus partibus suis Nullus constabularius vel ejus ballivus capiat blada vel alia catalla alicujus qui non sit de villa ubi castrum suum est nisi statim inde reddat denarios ^q aut respectum inde habere possit de voluntate venditoris si autem de villa fuerit teneatur infra tres septimanas precium red-
- 22 dere Nullus constabularius distringat aliquem militem ad dandum denarios pro custodia castri si ipse eam facere voluerit in propria persona sua vel per alium probum hominem si ipse eam facere non possit propter rationabilem causam et si nos duxerimus vel miserimus eum in exercitum erit quietus de custodia secundum quantitatem temporis
- 23 quo per nos fuerit in exercitu Nullus vicecomes vel ballivus noster vel alius capiat equos vel carectas alicujus pro cariagio faciundo nisi reddat liberationem antiquitus statutam scilicet pro carecta ad duos equos decem denarios per diem et pro carecta ad tres equos quatuordecim denarios per diem
- 24 Nec nos nec ballivi nostri capiemus alienum boscum ad castra vel alia agenda nostra nisi per voluntatem ipsius cujus boscus ille fuerit
- 25 Nos non tenebimus terras ^r eorum qui convicti fuerint de feloniam nisi per unum annum et unum diem et tunc reddantur terre do-

VARIAR L E C T I O N E S.

^q vel. D.^r illorum. D.

minis

xxxiii. minis feodorum ^s Omnes kydelli de cetero 26
deponantur penitus per Thamisiā et Medeweiam et per totam Angliā nisi per cos-
xxxiv. teram maris Breve quod vocatur Precipe 27
de cetero non fiat alicui de aliquo tenemento
unde liber ^t homo amittere possit curiam
xxxv. suam Una mensura vini sit per totum reg- 28
num nostrum et una mensura cervisie et una
mensura bladi scilicet quarterium ^u London'
et una latitudo pannorum tinctorum ^w et
ruffetorum ^x et haubergettorum scilicet due
ulne infra listas De ponderibus autem sit
xxxvi. ut de mensuris Nichil detur de cetero pro 29
brevis inquisitionis de vita vel membris sed
xxxvii. gratis concedatur et non negetur Si aliquis 30
teneat de nobis per feodi firmam vel ^y fokagium
vel per burgagium et de alio terram
teneat per servitium militare ^z nos non ha-
bebimus custodiam heredis nec terre sue
que est de feodo alterius occasione illius feodi
firme vel ^a fokagii vel burgagii nec habebi-
mus custodiam illius feodi firme vel ^b fokagii
vel burgagii nisi ipsa feodi firma debeat ser-
vitiū militare Nos non habebimus custo-

V A R I A E L E C T I O N E S.

^s Et omnes kydelli deponantur de
cetero per totum Avenlich et per to-
tam Hyberniam nisi. D.

^t *deest* homo. D.

^u Dublin'. D.

^w *deest* et. D.

^x *deest* et. D.

^y focagium. D.

^z nec habebimus. D.

^a foccagii. D.

^b foccagii. D.

- diam heredis vel terre alicujus quam tenet de alio per servitium militare occasione alicujus parve ^c serjanterie quam tenet de nobis per servitium reddendi nobis cultellos vel
- 31 sagittas vel hujusmodi Nullus ballivus ponat de cetero aliquem ad legem simplici loquela ^d sua sine testibus fidelibus ad hoc in-
- 32 ductis Nullus liber homo capiatur vel imprisonetur ^e aut disseisiatur aut utlagetur aut exulet aut aliquo alio modo destruatur nec super eum ibimus nec super eum mittemus nisi per legale iudicium parium suorum vel
- 33 per legem terre Nulli vendemus nulli ne-
- 34 gabimus aut differemus rectum aut justiciam Omnes mercatores nisi publice ^f ante prohibiti fuerint habeant saluum et securum exire de ^g Anglia et venire in ^h Angliam et morari et ire per ⁱ Angliam tam per ^k terram quam per aquas ad emendum et vendendum sine omnibus malis toltis per antiquas et rectas consuetudines preterquam in tempore guerre et si sint de terra contra nos guerrina et si tales inveniantur in terra nostra in principio guerre attachientur sine dampno corporum vel rerum donec sciatur a nobis vel a capitali iusticiario nostro quomodo mercatores

V A R I A E L E C T I O N E S.

^c serjantie. D.^d decet sua. D.^e vel. D.^f antea. D.^g Hybernia. D.^h Hyberniam. D.ⁱ Hyberniam. D.^k terras. D.

terre

terre nostre tractentur qui tunc inveniuntur
in terra contra nos guerrina et si nostri salvi
xliv. sint ibi alii salvi sint in terra nostra Si quis 35
tenuerit de aliqua escaeta sicut de honore
Walingeford Notingham Bolon' Lancastr'
vel ¹ de aliis escaetis que sunt in manu nostra
et sunt baronie et obierit heres ejus non det
aliud relevium nec faciat nobis aliud servi-
cium quam faceret baroni si terra illa esset in
manu baronis et nos eodem modo eam te-
xliv. nebimus quo baro eam tenuit Homines qui 36
manent extra forestam non veniant de cetero
coram justiciariis nostris de foresta per com-
munes summonitiones nisi sint in placito vel
plegii alicujus vel aliquorum qui attachiati
xlvi. ^m sunt pro foresta Omnes ⁿ barones qui fun- 37
daverint abbatias unde habent cartas regum
Anglie vel antiquam tenuram habeant earum
custodiam cum vacaverint sicut habere de-
xlvi. bent et sicut supra declaratum est Omnes 38
foreste que afforestate sunt tempore regis
Johannis patris nostri statim deafforestentur
et ita fiat de ^o ripariis que per eundem Jo-
hannem tempore suo ^p posite sunt in defenso
liv. Nullus capiatur vel imprisonetur propter ap- 39
pellum femine de morte alterius quam viri

V A R I A E L E C T I O N E S .

¹ *desst* de. D.^o *gruariis* qui. D.^m *sint*. D.^p *positi*. D.ⁿ *homines* qui fundaverint. D.

40 sui ^a Et si rex Johannes pater noster diffai- lvi.
 fierit vel elongaverit Wallenses de terris vel
 libertatibus vel aliis rebus sine legali iudicio
 parium suorum in Anglia vel in Wallia eis
 statim reddantur et si contentio super hoc
 orta fuerit tunc inde fiat in marchia per ju-
 dicio parium suorum de tenementis Anglie
 secundum legem Anglie de tenementis Wal-
 lie secundum legem Wallie de tenementis
 marchie secundum legem marchie idem fa-
 41 cient Wallenses nobis et nostris Omnes lx.
 autem istas consuetudines predictas et liber-
 tates quas ^r nos concessimus in regno nostro
 tenendas quantum ad nos pertinet erga nos-
 tros omnes de regno nostro tam clerici quam
 laici ^s observent quantum ad se pertinet erga
 42 suos Quia vero quedam capitula in ^t priore
 carta continebantur que gravia et dubitabilia
 videbantur scilicet de scutagiis et auxiliis as-
 sidendis de debitis Judeorum et aliorum et
 de libertate exeundi de regno nostro ^u vel
 redeundi in ^w regnum et de forestis et foref-
 tariis ^x warennis et warennariis ^y et de con-
 suetudinibus comitatum et de ripariis et
 earum custodibus placuit supradictis prelatiis

V A R I A E L E C T I O N E S .

^a *desunt* Et si rex, &c., usque ad
 nobis et nostris. D.
^r *desunt* nos. D.
^s *desunt* conservent. D.
^t *desunt* priori. D.

^u et. D.
^w regnum nostrum de. D.
^x de warennis. D.
^y *desunt* et. D.

et magnatibus ea esse in respectu quousque plenius consilium habuerimus et tunc faciemus plenissime tam de hiis quam de aliis que occurrerint emendanda ^z que ad communem omnium utilitatem ^a pertinuerint et pacem et statum nostrum et regni nostri Quia vero sigillum nondum habuimus presentem cartam sigillis venerabilis patris nostri domini Gualonis titulo sancti Martini presbiteri cardinalis apostolice sedis legati et Willielmi Mariscalli comitis Penbrok' rectoris nostri et regni nostri fecimus sigillari Testibus omnibus prenominationis et aliis multis Dat' per ^b manus predictorum domini legati et Willielmi Mariscalli ^c comitis Penbr' apud Bristollum duodecimo die Novembris anno regni nostri primo.

V A R I A E L E C T I O N E S.

^z id quod ad. D.

^b manum. D.

^a pertinuerit. D.

^c defuncti comitis Penbr', D.

M A G N A C A R T A

REGIS HENRICI III

A L T E R A,

ANNO DOMINI MCCXVII.

HENRICUS Dei gracia rex ^a Anglie
dominus Hibernie dux Normannie
Acquitanie et comes Andegavie archiepif-
copis episcopis abbatibus prioribus comiti-
bus baronibus vicecomitibus prepositis mi-
nistris et omnibus baillivis et fidelibus suis
presentem cartam inspecturis salutem Sciatis
quod intuitu Dei et pro salute anime nostre
et animarum antecessorum et successorum
nostrorum ad exaltationem ^b sancte ecclesie

V A R I A E L E C T I O N E S,

*desumptae ex Libro Custumarum et Regum antiquorum London.^o
signantur Litera L.*

^a Anglie, &c, archiepiscopis. L. ^b *desst* sancte. L.

et

et emendationem regni nostri ^c concessimus et hac presenti carta confirmavimus pro nobis et heredibus nostris in perpetuum de consilio venerabilis patris nostri domini ^d Gwallonis titulo sancti Martini presbiteri cardinalis et apostolice sedis legati domini Walteri Eborum archiepiscopi Willielmi London' episcopi et aliorum episcoporum Anglie et Willielmi ^e Mariscalli comitis Pembr' rectoris nostri et regni nostri et aliorum fidelium comitum et baronum nostrorum Anglie has libertates subscriptas tenendas in i. regno nostro Anglie in perpetuum In primis ^f concessimus Deo et hac presenti carta nostra confirmavimus pro nobis et heredibus nostris in perpetuum quod Anglicana ecclesia libera sit et habeat jura sua integra et libertates suas illesas Concessimus etiam omnibus liberis hominibus regni nostri pro nobis et heredibus nostris in perpetuum omnes libertates subscriptas ^g tenendas eis et heredibus suis ^h de nobis et heredibus nostris

ii. Si quis comitum vel baronum nostrorum sive aliorum tenentium de nobis in capite per servitium militare mortuus fuerit et cum decesserit heres ejus plene etatis fuerit et 2

VARIÆ LECTIONES.

^c concedimus. L.^f concedimus. L.^d Gwallonis. L.^g habendas et tenendas. L.^e Mariscalli comitis de Penbrok'.^h desunt de nobis et heredibus nos-

L.

tris. L.

relevium

relevium debeat habeat hereditatem suam
 per antiquum relevium scilicet heres vel he-
 redes comitis de ⁱ baronia comitis integra
 per centum libras heres vel heredes baronis
 de baronia integra ^k per centum ^l libras heres
 vel heredes militis de feodo ^m militis integro
ⁿ per centum solidos ad plus et qui minus
 debuerit minus det secundum antiquam con-
 3 suetudinem feodorum Si autem heres ali-^{iii.}
 cujus talium fuerit infra etatem dominus
 ejus non habeat custodiam ejus nec terre sue
 antequam homagium ejus ceperit et post-
 quam talis heres ^o fuerit in custodia cum ad
 etatem pervenerit scilicet viginti et unius
 anni habeat hereditatem suam sine relevio
 et sine fine ^p ita tamen quod si ipse infra e-
 tatem fuerit fiat miles nichilominus terra re-
 maneat in custodia dominorum suorum us-
 4 que ad terminum predictum Custos terre ^{iv.}
 hujusmodi heredis qui infra etatem fuerit
 non capiat de terra heredis nisi rationabiles
 exitus et rationabiles consuetudines et ratio-
 nabilia servicia et hoc sine destructione ^q et
 vasto hominum vel rerum et si ^r nos com-
 miserimus custodiam alicujus ^s alicujus talis

VARIÆ LECTIONES.

ⁱ comitatu integro centum. L.^k deest per. L.^l marcas. L.^m militari. L.ⁿ deest per. L.^o defunt fuerit in custodia cum. L.^p d. sunt ita tamen, &c., usque ad

terminum predictum. L.

^q vel. L.^r deest nos. L.^s deest alterum alicujus. L.

terre

terre vicecomiti vel alicui alii qui de exitibus terre ^t illius nobis debeat respondere et ille destructionem de custodia fecerit vel vastum nos ab illo capiemus ^u emendam et terra ^w committatur duobus legalibus et discretis hominibus de feodo illo qui de exitibus nobis respondeant vel ^x ei cui eos assignaverimus et si dederimus vel vendiderimus alicui custodiam alicujus talis terre et ille destructionem inde fecerit vel vastum amittat ipsam custodiam et tradatur duobus legalibus et discretis hominibus de feodo illo qui similiter nobis respondeant sicut predictum 5

v. est Custos autem quamdiu custodiam terre habuerit sustentet domos parcos ^y vivarios stagna molendina et cetera ad terram illam pertinentia de exitibus terre ejusdem et reddat heredi cum ad plenam etatem pervenerit terram suam ^z totam instauratam de carucis et omnibus aliis rebus ad minus ^a secundum quod illam recepit Hec omnia observentur de custodiis archiepiscopatum episcopatum abbaciarum prioratum ecclesiarum et dignitatum vacantium ^b que ad nos pertinent excepto quod custodie hujusmodi vendi non debent 6

vi. Heredes mariten-

V A R I A E L E C T I O N E S.

^t deest illius. L.^y vivaria. L.^u emendas. L.^z deest totam. L.^w committabitur. L.^a sicut illam. L.^x illi cui illos. L.^b qui. L.

tur

- 7 tur absque disparagatione Vidua post mor- ^{vii.}
 tem mariti sui statim et sine difficultate ali-
 qua habeat maritagium suum et hereditatem
 suam nec aliquid det pro dote sua et pro
 maritagio suo ^c vel hereditate sua quam he-
 reditatem maritus suus et ipsa tenuerint die
 obitus ^d ipsius mariti et maneat in capitali
^e mesuagio mariti sui per xl dies post obitum
 ipsius mariti ^f sui infra quos assignetur ei dos
 sua nisi prius fuerit ei assignata vel nisi do-
 mus illa ^g sit castrum et ^h si de castro ⁱ reces-
 serit ^k statim provideatur ei domus compe-
 tens in qua possit honeste morari quousque
 dos sua ei assignetur secundum quod predic-
 tum est et habeat rationabile estuverium
 suum interim de communi Assignetur ^l au-
 tem ei pro dote sua tercia pars totius terre
 mariti sui que sua fuit in vita sua nisi de mi-
 8 nori dotata fuerit ad ^m ostium ecclesie Nulla ^{viii.}
ⁿ vidua distringatur ad se maritand' dum vo-
 luerit vivere sine marito ita tamen quod se-
 curitatem faciat quod se non maritabit sine
 assensu nostro si de nobis tenuerit vel sine
 9 assensu domini sui si de alio tenuerit Nos ^{ix.}

V A R I A E L E C T I O N E S.

^c et. L.
^d mariti sui. L.
^e mesuagio suo per. L.
^f deest sui. L.
^g fuerit. L.
^h deest si. L.

ⁱ decesserit. L.
^k deest statim. L.
^l deest autem. L.
^m hostium. L.
ⁿ deest vidua. L.

vero

vero vel baillivi nostri non faisiemus terram aliquam nec redditum pro debito aliquo quamdiu catalla debitoris presentia sufficiunt ad debitum reddendum et ipse debitor paratus sit inde satisfacere nec plegii ipsius debitoris distringantur quamdiu ipse capitalis debitor sufficiat ad solutionem debiti et si capitalis debitor defecerit in solutione debiti non habens unde reddat aut reddere nolit cum possit plegii respondeant pro debito et si voluerint habeant terras et redditus debitoris quousque sit eis satisfactum de debito quod ante pro eo solverint nisi capitalis debitor monstraverit se inde esse quietum ver-

x. sus eisdem plegios Civitas London' habeat 10 omnes antiquas libertates et liberas consuetudines suas Preterea volumus et concedimus quod omnes alie civitates et burgi et ville et barones de quinque ° portibus et omnes portus habeant omnes libertates et

xi. liberas consuetudines suas Nullus distrin- 11 gatur ad faciendum majus servitium de feodo militis nec de alio libero tenemento quam

xii. inde debetur Communia placita non se- 12 quantur curiam nostram sed teneantur in ali-

xiii. quo loco certo Recognitiones de nova dis- 13 faisina de morte antecessoris non capiantur nisi in suis comitatibus ^p et hoc modo Nos

V A R I A E L E C T I O N E S.

° portibus, L,

^p defunct et hoc modo, L.^q vel

^a vel si extra regnum fuerimus ^t capitalis justiciarius noster mittemus justiciarios per unumquemque comitatum semel in anno qui cum militibus ^s comitatuum capiant in
 14 comitatibus assisas predictas Et ea que in ^{xiv.}
 illo adventu suo in comitatu per justiciarios predictos ad dictas assisas capiendas missos terminari non possunt per eosdem terminentur alibi in itinere suo et ea que per eosdem propter difficultatem aliquorum articulorum
^t terminari non possunt referantur ad justiciarios nostros de banco et ibi terminentur
 15 Assise de ultima presentatione semper ^u capiantur coram justiciariis de banco et ibi
 16 terminentur Liber homo non amercietur ^{xv.}
 pro parvo delicto nisi secundum modum ipsius delicti et pro magno delicto secundum magnitudinem delicti salvo contemento suo et mercator eodem modo salva mercandisa sua et villanus alterius quam noster eodem modo amercietur salvo ^w wainagio suo si inciderit in misericordiam nostram et nulla predictarum misericordiarum ponatur nisi per sacramenta proborum et legalium hominum de visneto
 17 Comites et barones non ^{xvi.}
 amercientur nisi per pares suos et non nisi

V A R I A E L E C T I O N E S.

^q *deest* vel. L.^t et capitalis. L.^s comitatus. L.^t terminare. L.^u capientur. L.^w waynagio. L.

secundum

- xvii. secundum modum delicti Nulla ecclesiastica persona amercietur secundum quantitatem beneficii sui ecclesiastici sed secundum laicum tenementum suum et secundum quantitatem delicti Nec villa nec homo distringatur facere pontes ^x ad riparias nisi qui ab antiquo et de jure facere debet Nulla riparia de cetero defendatur nisi ^y ille que fuerunt in defenso tempore Henrici regis avi nostri per eadem loca et eosdem terminos sicut esse consueverunt tempore suo Nullus vicecomes constabularius coronatores vel alii baillivi nostri teneant placita corone nostre
- xx. Si aliquis tenens de nobis laicum feodum moriatur et vicecomes vel baillivus noster ostendat literas nostras patentes de summonitione nostra de debito quod defunctus nobis debuit liceat vicecomiti vel baillivo nostro attachiare et inbreviare catalla defuncti inventa in laico feodo ad valentiam illius debiti per visum legalium hominum ita tamen quod ^z nichil inde amoveatur donec persolvatur nobis debitum quod clarum fuerit et residuum relinquatur executoribus ad faciendum testamentum defuncti et si ^a nichil nobis debeatur ab ipso omnia catalla cedant defuncto salvis uxori ipsius ^b rationabilibus

V A R I A E L E C T I O N E S.

^x aut. L.^a nil. L.^y illa que fuerit. L.^b et pueris suis rationabilibus. L.^z inde nil. L.

partibus

- 23 partibus suis Nullus constabularius vel bail- ^{xxi.}
 livus ejus capiat blada ^c aut alia catalla ali-
 cujus qui non sit de villa ubi castrum situm
 est nisi statim inde reddat denarios aut re-
 spectum inde habere possit de voluntate ven-
 ditoris si autem de villa ipsa fuerit infra xl
 24 dies precium reddat Nullus constabularius ^{xxii.}
 distringat aliquem militem ad dandum de-
 narios pro custodia castri si ipse eam facere
 voluerit in propria persona ^d sua vel per alium
 probum hominem si ipse eam facere non
 possit propter rationabilem causam et si nos
 duxerimus eum vel miserimus in ^e exercitum
 erit quietus de custodia secundum quantita-
 tem temporis quo per nos fuerit in ^f exercitu
 de feodo pro quo fecit servitium in ^g exer-
 25 citu Nullus vicecomes vel baillivus noster ^{xxiii.}
 vel alius capiat equos vel ^h caretas alicujus
 pro cariagio faciendo nisi reddat liberationem
 antiquitus statutam scilicet pro ⁱ caretta ad
 duos equos decem denarios per diem et ^k pro
 caretta ad tres equos quatuordecim denarios
 26 per diem Nulla caretta dominica, alicujus
 ecclesiastice persone vel militis vel alicujus
 27 domine capiatur per baillivos predictos Nec ^{xxiv.}
 nos nec baillivi nostri nec alii capiemus alie-

V A R I A E L E C T I O N E S.

^c vel. L.^h caretas. L.^d deest sua. L.ⁱ caretta. L.^e exercitum. L.^k de caretta. L.^{f g} exercitu. L.

num boscum ad castra vel alia agenda nostra
 nisi per voluntatem ¹ illius cujus boscus ^m ille
 xxv. fuerit Nos non tenebimus ⁿ terras eorum 28
 qui convicti ^o fuerunt de feloniam nisi per
 unum annum et unum diem et tunc red-
 xxvi. dantur terre dominis feodorum Omnes 29
^p kydelli de cetero deponantur penitus per
^q Tamisiam vel Medewaiam et per totam
 xxvii. Angliam nisi per costeram maris Breve 30
 quod vocatur Precipe de cetero non fiat ali-
 cui de aliquo tenemento unde liber homo
 xxviii. perdat curiam suam Una mensura vini sit 31
 per totum regnum nostrum et una mensura
 cervisie et una mensura bladi scilicet quarte-
 rium London' et una latitudo pannorum
 tinctorum ^r et russietorum et haubergetorum
 scilicet due ulne infra listas De ponderibus
 xxix. vero sit ut de mensuris Nichil detur de ce- 32
 tero pro brevi inquisitionis ab eo qui inqui-
 sitionem petit de vita vel membris sed gratis
 xxx. concedatur et non negetur Si aliquis teneat 33
 de nobis per feodifirmam vel ^s foccagium
 vel per burgagium et de alio teneat terram
 per servitium militare nos non habebimus
 custodiam heredis nec terre sue que est de
 feodo alterius occasione illius feodifirme vel

V A R I A E L E C T I O N E S.

¹ ipsius. L.

^m deest ille. L.

ⁿ terram. L.

^o fuerint. L.

^p kydelli. L.

^q Thamisiam & Medeweyam. L.

^r deest et. L.

^s per foccagium. L.

E

^r foccagii

- ' foccagii vel burgagii nec habebimus custo-
 diam illius feodifirme vel " foccagii vel bur-
 gagii nisi ipsa feodifirma debeat servitium
 militare Nos non habebimus custodiam
 heredis vel terre alicujus quam tenet de alio
 per servitium militare occasione alicujus par-
 ve w serjantarie quam tenet de nobis per ser-
 vitium reddendi cultellos vel sagittas vel
 34 hujusmodi Nullus baillivus ponat de cetero xxxv.
 aliquem ad legem manifestam nec ad jura-
 mentum simplici loquela sua sine testibus
 35 * fidelibus ad hoc inductis Nullus liber xxxii,
 homo capiatur vel imprisonetur aut dissi-
 ciatur de libero tenemento suo vel libertatibus
 vel liberis consuetudinibus suis aut utlagetur
 aut exuletur aut aliquo y alio modo destrua-
 tur nec super eum ibimus nec super eum
 mittemus nisi per legale iudicium parium
 36 suorum z vel per legem terre Nulli vende- xxxiii.
 mus nulli negabimus aut differemus rectum
 37 a aut iusticiam Omnes mercatores nisi pub- xxxiv.
 lici antea prohibiti fuerint habeant saluum
 et securum conductum exire de Anglia et
 venire in Angliam et morari et ire per An-
 gliam tam per terram quam per aquam ad
 b emendandum vel vendendum sine omnibus

V A R I A E L E C T I O N E S .

t focagii. L.

y deest alio. L.

u focagii. L.

z et. L.

w serjantie. L.

a vel. L.

x desunt fidelibus ad hoc. L.

b vendendum et emendum. L.

toltis

toltis malis per antiquas et rectas consuetudines preterquam in tempore guerre et si sint de terra contra nos ^c guerriva et si tales inveniantur in terra nostra in principio ^d guerre ^e attachientur sine dampno corporum vel rerum donec sciatur a nobis vel ^f a capitali iusticiario nostro quomodo mercatores terre nostre tractentur qui tunc inveniantur in terra contra nos ^g guerriva et si nostri 38
xxxv. salvi sint ibi alii salvi sint in terra nostra Si quis tenuerit de aliqua ^h excaeta sicut de honore ⁱ Walingford Bolon' ^k Notingham Lancast' vel de aliis ^l eschaetis que sunt in manu nostra et sint baronie et obierit heres ejus non det aliud relevium nec faciet nobis aliud servitium quam faceret baroni si illa esset in manu baronis et nos eodem modo eam tenebimus quo baro eam tenuit nec nos occasione talis baronie vel ^m excaete habebimus aliquam ⁿ excaetam vel custodiam aliquorum hominum nostrorum nisi alibi tenuerit de nobis in capite ille qui tenuit baroniam vel ^o excaetam Nullus liber homo de cetero 39
det amplius alicui vel vendat de terra sua

V A R I A E L E C T I O N E S .

^c guerrina. L.
^d deest guerre. L.
^e attachiantur. L.
^f deest a. L.
^g guerrina. L.
^h eschaeta. L.

ⁱ Wallingfordie. L.
^k deest Notingham. L.
^l eschaetis. L.
^m eschaete. L.
ⁿ eschaetam. L.
^o eschaetam. L.

quam ut de residuo terre sue possit sufficienter fieri domino feodi servitium ei debitum
 40 quod pertinet ad feodum illud Omnes pa-^{xxxvii}
 troni abbaciarum qui habent cartas regum
 Anglie de advocatione ^p vel antiquam tenu-
 ram vel possessionem habeant earum custo-
 diam cum vacaverint sicut habere debent et
 41 sicut ^q supra declaratum est Nullus capia-^{xxxix.}
 tur vel imprisonetur ^r propter appellum fe-
 42 mine de morte alterius quam viri sui Nul-
 lus comitatus de cetero teneatur nisi de
 mense in mensem et ubi major terminus
 esse solebat major sit Nec aliquis vicecomes
 vel baillivus suus ^s faciat turnum suum per
 hundr' nisi bis in anno et non nisi in loco
 debito et consueto videlicet semel post Pas-
 cha et iterum post festum sancti Michaelis
 Et visus de franco plegio tunc fiat ad illum
 terminum sancti Michaelis sine occasione ita
 scilicet quod quilibet habeat libertates suas
 quas habuit et habere consuevit tempore
 Henrici regis avi nostri vel quas postea per-
 quisivit Fiat autem visus de franco plegio
 sic videlicet quod pax nostra teneatur et
 quod tethinga integra sit sicut esse consuevit
 et quod vicecomes non querat occasiones et
 quod contentus sit de eo quod vicecomes

V A R I A E L E C T I O N E S.

^p et per antiquam. L.^r per. L.^q superius. L.^s faciant. L.

habere

habere consuevit de visu suo faciendo tem-
 pore Henrici regis avi nostri Non liceat 43
 alicui de cetero dare terram suam alicui do-
 mui religioſe ita quod illam refumat tenen-
 dam de eadem domo nec liceat alicui domui
 religioſe terram alicujus ſic accipere quod
 tradat eam illi a quo eam receperit tenendam
 Si quis autem de cetero terram suam alicui
 domui religioſe ſic dederit et ſuper hoc con-
 vincatur donum ſuum penitus caſſetur et
 terra illa domino ſuo illius feodi incurratur
 Scutagium capiatur de cetero ſicut capi con- 44
 ſuevit tempore Henrici regis avi nostri
 xli. Omnes autem iſtas conſuetudines predictas 45
 et libertates quas conceſſimus in regno noſ-
 tro tenendas quantum ad nos pertinet erga
 noſtros omnes de regno noſtro tam clerici
 quam laici ^t obſervent quantum ad ſe perti-
 net erga ſuos Salvis archiepiſcopis epiſco- 46
 pis abbatibus prioribus templariis ^u hoſpita-
 lariis comitibus baronibus et omnibus aliis
 tam eccleſiaſticis perſonis quam ſecularibus
 libertatibus et liberis conſuetudinibus quas
 prius habuerunt Statuimus etiam de com- 47
 muni conſilio tocius regni noſtri quod om-
 nia caſtra adulterina ^w videlicet ea que a
 principio guerre mote inter dominum ^x Jo-

V A R I A E L E C T I O N E S.

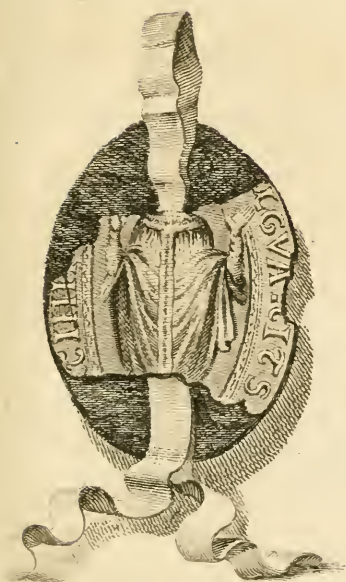
^t obſervant. L.^w ſcilicet. L.^u hoſpitalariis. L.^x regem. L.

hannem

hannem patrem nostrum et barones ⁊ suos
 Anglie constructa fuerint vel ⁂ reedificata
 statim diruantur ⁂ Quia vero nondum ha-
 buimus sigillum hanc sigillis do-
 mini legati predicti et comitis Willielmi
 Mariscalli rectoris et regni nostri fecimus
 sigillari.

V A R I A E L E C T I O N E S.

- | | |
|---|--|
| ⁊ <i>desit</i> suos. L. | dinalis et apostolice sedis legati et |
| ⁂ edificata. L. | Willielmi Marecalli rectoris nostri |
| ⁂ Quia nondum sigillum habuimus | et regni nostri fecimus sigillari Testi- |
| presentem cartam sigillo venerabilis | bus prenomiuatis et aliis. L. |
| patris nostri G. titulo presbiteri car- | |



MAGNA CARTA

REGIS HENRICI III,

XI DIE FEBRUARII, MCCXXIV,

ANNO REGNI IX.

HENRICUS ^a Dei gracia rex Anglie
dominus ^b Hybernie dux Normannie
Aquitanie et comes Andegavie archiepisco-

VARIAE LECTIONES,

desumptae ex Carta autographa, in Ecclesia cathedrali Dunelmensi asservata, signantur Litera D: — ex Carta de Inspeximus, in Collegio Orielenſi, Litera O: — ex Intratione in Libro rubro Scaccharii Westm. (fol. clxxxiiij.) Litera R: — ex Rotulo Stat. in Turri London. 25 Ed. I. m. 39, 40, Litera et Numero T 25: — ex Rotulo Cart. ibid. 28 Ed. I. m. 6, 7, Litera et Numero T 28: — ex utroque Rotulo, Literis TT: — ex Carta de Inspeximus, in Ecclesia collegiata Westmonasterienſi, Litera W.

^a ENWARDUS Dei gratia rex Anglie dominus Hybernie et dux Aquitanie [archiepiscopis episcopis abbatibus prioribus comitibus baronibus iusticiariis vicecomitibus prepositis ministris et omnibus ballivis et fidelibus suis. O.T.28.W. — omnibus ad

quos presentes littere pervenerint. T25.] salutem Inspeximus magnam cartam domini H. quondam regis Anglie patris nostri de libertatibus Anglie in hec verba HENRICUS &c. O.T.T.W.

^b Hibernie, &c. R.W.

pis

pis ^c episcopis abbatibus prioribus comitibus
 baronibus vicecomitibus prepositis ministris
 et omnibus ballivis et fidelibus suis presen-
 tem cartam inspecturis salutem Sciatis quod
 nos intuitu Dei ^d et pro salute anime nostre
 et animarum antecessorum et successorum
 nostrorum ad exaltationem sancte ecclesie et
 emendationem regni nostri spontanea et bo-
 na voluntate nostra dedimus et concessimus
^e archiepiscopis episcopis abbatibus prioribus
 comitibus baronibus et omnibus de regno
 nostro has libertates subscriptas tenendas in
 i regno nostro Anglie ^f in perpetuum Inpri- i.
 mis concessimus Deo et hac presenti carta
^g nostra confirmavimus pro nobis et heredi-
 bus nostris ^h in perpetuum quod Anglicana
 ecclesia libera sit et habeat ⁱ omnia jura sua
 integra et libertates suas illesas Concessi-
 mus etiam ^k omnibus liberis hominibus reg-
 ni nostri pro nobis et heredibus nostris ^l in
 perpetuum ^m omnes libertates subscriptas ha-
 bendas et tenendas eis et heredibus suis de
 nobis et heredibus nostris ⁿ in perpetuum

V A R I A E L E C T I O N E S.

^c episcopis comitibus baronibus,
 &c, salutem. R.

^d *deest* et. R.

^e archiepiscopis, &c, et omnibus.
 R.

^f imperpetuum. D.O.R.TT.W.

^g *deest* nostra. R.

^h imperpetuum. D.O.R.TT.W.

ⁱ *deest* omnia. R.

^k et dedimus omnibus. O.R.TT.
 W.

^l imperpetuum. D.O.R.TT.W.

^m has libertates. O.TT.W.

ⁿ imperpetuum. O.TT.W. *defunct*
 in perpetuum. D.R.

Si

- ii. Si quis comitum vel baronum nostrorum 2
 ° five aliorum tenencium de nobis in capite
 per servicium militare mortuus fuerit et cum
 decesserit heres ejus plene etatis fuerit et re-
 levium debeat habeat hereditatem suam per
 antiquum relevium scilicet heres vel heredes
 comitis de ^p baronia comitis integra per cen-
 tum libras heres vel heredes baronis de ba-
 ronia integra per centum ^q libras heres vel
 heredes militis de feodo militis integro per
 centum solidos ad plus et qui minus ^r de-
 buerit minus det secundum antiquam con-
 suetudinem feodorum Si autem heres ali- 3
 cujus talium fuerit infra etatem dominus
 ejus non habeat custodiam ejus nec terre sue
 antequam homagium ejus ceperit et post-
 quam talis heres fuerit in custodia cum ad
 etatem pervenerit scilicet viginti et unius
 ° anni habeat hereditatem suam sine relevio
 et sine fine ita tamen quod si ipse dum infra
 etatem fuerit fiat miles nichilominus terra
 remaneat in custodia dominorum suorum
 iv. usque ad terminum predictum Custos terre 4
 hujusmodi heredis qui infra etatem fuerit
 non capiat de terra heredis nisi rationabiles
 exitus et rationabiles consuetudines et ra-
 tionabilia servicia et hoc sine destructione

V A R I A E L E C T I O N E S.

° feu. R.

^r habuerit. O.TT.W.^p comitatu integro. O.TT.W.^s annorum. O.^q marcas. O.TT.W.

et

et vasto hominum ^t vel rerum et si nos
 commiserimus custodiam alicujus talis terre
 vicecomiti vel ^u alicui alii qui de exitibus
 terre illius nobis debeat respondere et ^w ille
 destructionem de custodia fecerit vel vastum
 nos ab ^x illo capiemus emendam et terra
^y committetur duobus legalibus et discretis
 hominibus de feodo illo qui de exitibus
^z nobis respondeant vel ^a ei cui eos assigna-
 verimus et si dederimus vel vendiderimus
 alicui custodiam alicujus talis terre et ille
 destructionem ^b inde fecerit vel vastum amit-
 tat ^c ipsam custodiam et tradatur duobus le-
 galibus et discretis hominibus de feodo illo
 qui similiter nobis respondeant sicut predic-
 5 tum est Custos autem quamdiu custodiam ^v
 terre ^d habuerit sustentet domos parcos ^e vi-
 varia stagna ^f molendina et cetera ad ter-
 ram illam pertinencia de exitibus terre ejus-
 dem et reddat heredi cum ad plenam eta-
 tem pervenerit terram suam totam instaura-
 tam de carucis et ^g omnibus aliis rebus ad
 minus ^h secundum quod illam recepit Hec

V A R I A E L E C T I O N E S.

^t et. O.TT.W.^u *deest* alicui. R.^w *deest* ille. R.^x eo. O.TT.W.^y committatur. O.R.TT.W.^z terre illius nobis. O.TT.W.^a *deest* ei. R. illi cui illos. O.

TT.W.

^b *deest* inde. R.^c illam. O.R.TT.W.^d hujusmodi habuerit. O.TT.W.^e *deest* vivaria. D.^f et molendina. R.^g de omnibus. TT.W.^h sicut illam. O.TT.W.

omnia

omnia observentur de custodiis archiepiscopatum episcopatum abbatarum prioratum ecclesiarum et dignitatum vacantium que ad nos pertinent excepto quod huiusmodi custodie vendi non debent Heredes
 vi. maritentur absque disparagatione Vidua
 vii. post mortem mariti sui statim et sine difficultate aliqua habeat maritagium suum et hereditatem suam nec aliquid ⁱ det pro dote sua ^k vel pro maritagio suo ^l vel pro hereditate sua quam hereditatem maritus suus et ipsa tenuerunt ^m die obitus ipsius mariti ⁿ et maneat in capitali ^o mesagio ipsius mariti sui per quadraginta dies post obitum ^p ipsius mariti ^q sui infra quos ^r assignetur ei dos sua nisi prius ei fuerit assignata vel nisi domus illa sit castrum et si de castro recesserit statim provideatur ei domus competens in qua possit honeste morari quousque dos sua ei assignetur ^s secundum quod predictum est et habeat rationabile estoverium suum interim de communi Assignetur autem ei pro dote ^t sua tertia pars totius terre mariti sui que sua fuit in vita sua nisi de minori dotata fue-

V A R I A E L E C T I O N E S.

ⁱ *debet* dot. W.^k *nec*. O.R.TT.W.^l *nec*. R.^m *simul* die. O.TT.W.ⁿ *sui* et. O.R.TT.W.^o *mesuagio* mariti. O.R.TT.W.^p *debet* ipsius. O.R.TT.W.^q *debet* sui. R.^r *dies* assignetur. O.TT.W.^s *sicut* predictum. D.O.^t *debet* sua. O.R.

rit ad ^u hostium ecclesie Nulla vidua dis- ^{viii.}
 tringatur ad se ^w maritandum dum vivere vo-
 luerit sine marito ita tamen quod securitatem
^x faciet quod se non maritabit sine assensu
 nostro si de nobis tenuerit vel ^y sine assensu
 8 domini sui si de alio tenuerit Nos vero vel ^{ix.}
 ballivi nostri non seisiemus terram aliquam
^z nec redditum pro debito aliquo quamdiu
 catalla debitoris presencia ^a sufficiant ad de-
 bitum reddendum et ipse debitor paratus sit
 inde satisfacere nec plegii ^b ipsius debitoris
 distringantur quamdiu ipse capitalis debitor
 sufficiat ad solutionem ^c debiti et si capitalis
 debitor defecerit in solutione debiti non ha-
 bens unde reddat aut reddere nolit cum pos-
 sit plegii respondeant ^d pro debito et si vo-
 luerint habeant terras et redditus debitoris
 quousque sit eis satisfactum de debito quod
^e ante pro eo ^f solverunt nisi capitalis debi-
 tor monstraverit se inde esse quietum versus
 9 eosdem plegios Civitas London' habeat om- ^{x.}
 nes ^g antiquas libertates et ^h liberas consue-
 tudines suas Preterea volumus et concedi-
 mus quod omnes alie civitates et burgi et

V A R I A E L E C T I O N E S.

^u offium. O.R.^w maritandum. W.^x faciat. O.R.TT.W.^y *deest* sine. R.^z vel. O.R.TT.W.^a sufficiunt. O.R.TT.^b *deest* ipsius. O.^c ipsius debiti. O.TT.W.^d de. O.R.TT.W.^e antea. O.R.W.^f solverunt. O.^g libertates suas antiquas. O.TT.

W.

^h *deest* liberas. O.TT.W.

ville

ville et barones de quinque portubus et omnes portus habeant omnes libertates ⁱ et libera^s consuetudines suas Nullus distringatur ad faciendum majus servitium de feodo militis nec de alio libero tenemento quam inde debetur Communia placita non sequantur curiam nostram ^k sed teneantur in aliquo loco certo Recognitiones de nova disseisina et de morte antecessoris non capiuntur nisi in suis comitatibus et hoc modo Nos ⁱ vel si extra regnum fuerimus capitalis justiciarius noster ^m mittemus justiciarios ⁿ per unumquemque comitatum semel in anno qui cum militibus comitatum capiant in comitatibus assisas predictas Et ^o ea que in illo adventu suo in ^p comitatu per justiciarios ^q predictos ad dictas assisas capiendas missos terminari non possunt per eosdem terminentur alibi in itinere suo et ea que per eosdem propter difficultatem aliquorum articulorum terminari non possunt referantur ad justiciarios nostros de banco et ibi terminentur Assise de ultima presentatione semper capiantur coram justiciariis ^r nostris de banco et ibi terminentur Liber homo non

V A R I A E L E C T I O N E S.

ⁱ suas et. TT.^k sed. O.R.^l *deest* vel. R.^m mittet. R.ⁿ nostros per. O.TT.W.^o illa. TT.W.^p comitatus. O.TT.^q nostros predictos. O.TT.W.^r *deest* nostris. O.R.TT.W.

amercietur

- amercietur pro parvo delicto^s nisi secundum modum ipsius delicti et pro magno delicto secundum magnitudinem delicti salvo tenemento suo et mercator eodem modo salva mercandisa sua et villanus alterius quam noster eodem modo amercietur salvo^u wainagio suo^w si inciderit in^x misericordiam nostram^y et nulla predictarum misericordiarum ponatur nisi per sacramentum proborum et legalium hominum de visneto Comites^{xvii.} et barones non amercientur nisi per pares suos et non nisi secundum modum delicti Nulla ecclesiastica persona amercietur secundum^{xviii.} quantitatem beneficii sui ecclesiastici^z set secundum laicum tenementum suum et
 15 secundum quantitatem delicti Nec villa^{xix.} nec^a homo distringatur facere pontes ad riparias nisi qui^b ex antiquo et de jure facere
 16^c debet Nulla riparia de cetero defendatur^{xx.} nisi ille que fuerunt in defenso tempore regis Henrici avi nostri per eadem loca et^d eosdem terminos sicut esse consueverunt
 17 tempore suo Nullus vicecomes constabularius^{xxi.} coronatores vel alii ballivi nostri te-

V A R I A E L E C T I O N E S.

^s set secundum. D.^t si villanus. R.^u wanagio. T 25. waynagio. W.^w et si. R.^x manum. TT.^y deest et. R.^z set. O.R.^a liber homo. O.TT.W.^b ab. O.R.TT.W.^c debent Nulle riparie defendantur de cetero. O.R.TT.W.^d per eosdem. O.^e coronator. O.TT.W.

neant

- xxi. neant placita corone nostre Si aliquis tenens 18
 de nobis laicum feodum moriatur et vice-
 comes vel ballivus noster ostendat litteras
 nostras patentes de summonitione nostra de
 debito quod defunctus nobis debuit liceat
 vicecomiti ^f vel ballivo nostro attachiare et
^g inbreviare catalla defuncti inventa in laico
 feodo ad valenciam illius debiti per visum
 legalium hominum ita tamen quod nichil
^h inde amoveatur donec persolvatur nobis de-
 bitum quod clarum fuerit et residuum relin-
 quatur executoribus ad faciendum testamen-
 tum defuncti et si nichil nobis debeatur ab
 ipso omnia ⁱ catalla cedant defuncto salvis
 uxori ^k ipsius et pueris suis rationabilibus
 partibus suis Nullus constabularius ^l vel 19
 ejus ballivus capiat blada ^m vel alia catalla
 alicujus qui non ⁿ sit ^o de villa ubi castrum
 situm ^p est nisi statim ^q inde reddat denarios
 aut respectum inde habere possit de volun-
 tate venditoris si autem de villa ipsa fuerit
 xxiv. infra quadraginta dies precium reddat Nul- 20
 lus constabularius distringat aliquem mili-
 tem ad dandum denarios pro custodia castri

V A R I A E L E C T I O N E S.

- | | |
|--|-----------------------------|
| ^f nostro vel. R. | ^l aut. O. |
| ^g inbreviare omnia bona et catal- | ^m aut. O. |
| la. O.TT.W. | ⁿ fivit. R. |
| ^h deest inde. D. | ^o in. O. |
| ⁱ deest catalla. R. | ^p sit. R. |
| ^k ejus et pueris ipsius. O.TT.W. | ^q deest inde. D. |
| ipsius et filiis suis. R. | |

- si ipse eam facere voluerit in propria persona sua vel per alium probum hominem ^r si ipse eam facere non possit propter rationabilem causam et si nos ^s duxerimus eum vel miserimus in ^t exercitum ^u erit quietus de custodia secundum quantitatem temporis quo per nos fuerit in ^w exercitu de feodo pro quo
- 21 fecit servitium in ^x exercitu Nullus vice-^{xxv.}
comes vel ballivus noster vel ^y alius capiat equos vel caretas alicujus pro cariagio faciendo nisi reddat liberationem antiquitus statutam scilicet pro ^z caretta ad duos equos decem denarios per diem et pro caretta ad tres equos quatuordecim denarios per diem Nulla caretta dominica alicujus ecclesiastice ^{xxvi.}
persone vel militis vel alicujus ^a domine capiatur per ballivos ^b predictos Nec nos nec ^{xxvii.}
ballivi nostri nec alii capiemus ^c alienum boscum ad castra vel ^d alia agenda nostra nisi per voluntatem illius cujus boscus ille fuerit
- 22 rit Nos non tenebimus terras ^e eorum qui ^{xxviii.}
convicti fuerint de feloniam nisi per unum annum et unum diem et tunc reddantur terre
- 23 ^f dominis feodorum Omnes kidelli decem-^{xxix.}

V A R I A E L E C T I O N E S.

- | | |
|--|------------------------------------|
| ^r faciat si. O.TT.W. | ^z una caretta. O.TT.W. |
| ^s adduxerimus. O.TT.W. | ^a domini. O.R. |
| ^t exercitum. TT.W. | ^b nostros. O.TT.W. |
| ^u sit. O.TT.W. | ^c decem alienum. R. |
| ^w ^x exercitu. TT.W. | ^d ad alia. O.TT.W. |
| ^y aliquis alius. O.TT.W. aliquis capiat. R. | ^e illorum. O.TT.W. |
| | ^f ille dominis. O.TT.W. |

tero

tero deponantur penitus per ^g Tamisiam et
^h Medweiam et per totam Angliam nisi per
xxx. cofteram maris Breve quod vocatur Pre- 24
cipe decetero non fiat alicui de aliquo ⁱ te-
nemento unde liber homo perdat curiam
xxxi. suam Una mensura vini sit per totum reg- 25
num nostrum et una mensura cervisie et
una mensura bladi scilicet quarterium Lon-
don' et una latitudo pannorum tinctorum
^k et ruffetorum et haubergettorum scilicet
due ulne infra listas de ponderibus vero sit
xxxii. ^l ut de mensuris Nichil detur de cetero pro 26
breui inquisitionis ab eo qui inquisitionem
petit de vita vel ^m membris set gratis con-
xxxiii. cedatur et non negetur Si ⁿ aliquis teneat 27
de nobis per feodifirmam vel ^o foccagium vel
^p per burgagium et de alio terram ^q teneat
per servicium militare nos non habebimus
custodiam heredis nec terre sue que est de
feodo alterius occasione illius feodifirme vel
^r foccagii vel burgagii nec habebimus cus-
todiam ^s illius feodifirme vel ^t foccagii vel
burgagii nisi ipsa feodifirma debeat servi-

V A R I A E L E C T I O N E S.

^g Thamisiam. W.	^o fokagium. R. per fokagium. O.
^h Medeweyam. O.R.TT.W.	per focagium. TT.W.
ⁱ libero tenemento. O.TT.W.	^p <i>deest</i> per. O.R.TT.W.
^k <i>deest</i> et. O.TT.W.	^q teneant. O.TT.W.
^l sicut. O.TT.W.	^r fokagii. O.R. focagii. TT.W.
^m de membris. O.TT.W.	^s <i>deest</i> illius. R.
ⁿ quis, R. aliqui teneant. O.TT.	^t fokagii. O.R. focagii. TT.W.
W.	

- cium militare Nos non habebimus custodiam heredis ^u vel terre alicujus quam tenet de ^w alio per servitium militare occasione alicujus parve ^x serjanterie quam tenet de nobis per servitium reddendi nobis cultellos
 28 vel sagittas vel hujusmodi Nullus ballivus ^{xxxiv.} ponat decetero aliquem ad legem manifestam ^y vel ad juramentum simplici loquela ^z sua sine testibus fidelibus ad hoc inductis
 29 Nullus liber homo ^a capiatur vel imprisonetur aut ^b disseisiatur de ^c aliquo libero tenemento suo vel libertatibus vel liberis consuetudinibus suis aut utlagetur aut exulet aut aliquo ^d alio modo destruatur nec super eum ibimus nec super eum mittemus nisi per legale iudicium parium suorum vel per legem terre Nulli vendemus nulli negabimus aut ^{xxxvi.}
 30 differemus rectum vel justiciam Omnes ^{xxxvii.} mercatores nisi publice antea prohibiti fuerint habeant saluum ^e et securum exire de Anglia et venire in Angliam et morari et ire per Angliam tam per terram quam per aquam ad emendum ^f vel vendendum sine omnibus ^g tollis malis per antiquas et rectas

V A R I A E L E C T I O N E S .

- | | |
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| ^u vel. O.R.TT.W. | ^b disseisietur. O.R.W. |
| ^w aliquo alio. O.TT.W. | ^c <i>deest</i> aliquo. O.R.TT.W. |
| ^x serjantie. O.R.TT.W. | ^d <i>deest</i> alio. O.TT.W. |
| ^y nec. O.TT.W. | ^e conductum exire. O.TT.W. |
| ^z <i>deest</i> sua. R. | ^f et. O.R.TT.W. |
| ^a de cetero capiatur aut imprisonetur. D. | ^g tollagiis. R. |

consue-

consuetudines preterquam in tempore ^hgwerre et si sint de terra contra nos ^lgwerriva et ^k si tales inveniantur in terra nostra in principio ^lgwerre attachientur sine dampno corporum vel rerum donec sciatur a nobis vel a capitali iusticiario nostro quomodo mercatores ^m terre nostre tractentur qui tunc ⁿ invenientur in terra ^o contra nos ^p gwerriva et si nostri salvi ^q sint ibi alii salvi sint in terra nostra Si quis tenuerit de aliqua escaeta ³¹ sicut de honore ^r de Wallingford' Bolon' Noting' Lancastr' vel ^s de aliis escaetis que sunt in manu nostra et sint baronie et obierit heres ejus non det aliud relevium nec faciat nobis aliud servitium quam faceret baroni si ^t ipsa esset in manu baronis et nos eodem modo ^u eam tenebimus quomodo ^w baro eam tenuit nec nos occasione talis baronie vel ^x escaete habebimus ^y aliquam escaetam vel custodiam aliquorum hominum nostrorum nisi alibi tenuerit de nobis in capite ille qui ^z tenuit baroniam vel escaetam

V A R I A E L E C T I O N E S.

^h guerre. D.O.R.TT.W.
ⁱ guerrina. D.O.R.TT.W.
^k *deest* si. O.TT.W.
^l guerre. D.O.R.TT.W.
^m *desunt* terre nostre. R.
ⁿ *inveniantur*. O.R.TT.W.
^o illa contra. O.TT.W.
^p guerrina. D.O.TT.W. in guerra. R.

^q sunt. O.TT.W.
^r *deest* de. D.O.TT.W.
^s *deest* de. O.TT.W.
^t illa. O.TT.W. baronia. R.
^u *deest* eam. D.
^w modo baro. R.
^x excaete. D.
^y talem aliquam. R.
^z tenuit. W.

Nullus

- 32 Nullus liber homo decetero det amplius vel ^{xxxix.}
 vendat alicui de terra sua quam ut de resi-
 duo terre sue possit sufficienter fieri domino
 feodi servitium ei debitum quod pertinet ad
 33 feodum illud Omnes patroni abbaciarum ^{xl.}
 qui habent cartas regum Anglie de advoca-
 tione vel ^a antiquam tenuram vel possessio-
 nem habeant earum custodiam cum vacave-
 rint sicut habere debent et sicut ^b supra de-
 34 claratum est Nullus capiatur ^c vel impriso- ^{xli.}
 netur ^d propter appellum femine de morte
 35 alterius quam viri sui Nullus comitatus de- ^{xlii.}
 cetero teneatur nisi de mense in mensem et
 ubi major terminus esse solebat major sit
 Nec aliquis vicecomes ^e vel ballivus ^f faciat
 turnum suum per ^g hundredum nisi bis in
 anno et non nisi in loco debito et consueto
 videlicet semel post Pascha et iterum post
 festum sancti Michaelis Et visus de franco
 plegio tunc fiat ad illum terminum ^h sancti
 Michaelis sine occasione ⁱ ita ^k scilicet quod
 quilibet habeat libertates suas quas habuit
^l et habere consuevit tempore regis Henrici
 avi nostri vel ^m quas postea perquisivit Fiat

V A R I A E L E C T I O N E S .

- | | |
|---|---|
| ^a antiqua tenura vel possessione. R. | ^g hundreda. O.W. |
| ^b superius. O.R.TT.W. | ^h <i>desunt</i> sancti Michaelis. R. |
| ^c aut. O.TT.W. | ⁱ ad festum sancti Michaelis ita, |
| ^d per appellationem alterius femine | R. |
| quam viri sui. R. | ^k videlicet. W. |
| ^e <i>desunt</i> vel ballivus. R. | ^l vel. O.TT. |
| ^f <i>ipse</i> faciat. O.TT.W. | ^m <i>desunt</i> quas. R. |

autem

autem visus de franco plegio sic videlicet
 quod pax nostra teneatur et quod ⁿ tethinga
 integra sit sicut esse consuevit et quod vice-
 comes non querat occasiones et quod con-
 tentus sit ^o eo quod vicecomes habere con-
 suevit de visu suo faciendo tempore regis
 xliii. Henrici avi nostri ^p Non liceat alicui dece- 36
 tero dare terram suam ^a alicui domui reli-
 giose ita quod ^r illam ^s resumat tenendam de
 eadem domo ^t nec liceat alicui domui reli-
 giose terram alicujus sic accipere quod tradat
^u illam ^w ei a quo ^x ipsam recepit tenendam
 Si quis autem decetero terram suam alicui
 domui religiose sic dederit ^y et super hoc
 convincatur donum suum penitus cassetur et
 terra illa domino ^z suo illius feodi ^a incurra-
 xliiv. tur Scutagium decetero capiatur sicut capi 37
^b solebat tempore regis Henrici avi nostri
 xlii. Et salve sint archiepiscopis episcopis abbati-
 bus prioribus templariis ^c hospitalariis co-
 mitibus baronibus et omnibus aliis tam ec-
 clesiasticis quam secularibus personis ^d liber-

V A R I A E L E C T I O N E S.

ⁿ theothinga teneatur integra si-
 cut. O.T.T.W.

^o de eo. O.R.TT.W.

^p Nec. O.TT.W.

^s *deest* alicui. O.TT.W.

^r eam. D.

^s resignet. R.

^t non. R.

^u eam. R.W.

^w illi. O.R.TT.W.

^x eam. O.TT.W. illam. R.

^y *deest* et. R.

^z *deest* suo. O.TT.W.

^a penitus incurratur. R.

^b consuevit. O.R.TT.W.

^c hospitalariis. TT.W.

^d omnes libertates. O.TT.W.

tates et libere consuetudines quas prius habuerunt Omnes ^e autem ^f istas consuetudines ^{xlv.} predictas et libertates quas concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros omnes de regno nostro tam clerici quam laici ^g observent quantum ad se pertinet erga suos Pro hac autem concessione et donatione libertatum istarum et aliarum ^h libertatum contentarum in carta nostra de libertatibus foreste archiepiscopi ⁱ episcopi abbates priores comites barones milites libere tenentes et omnes de regno nostro dederunt nobis quintam decimam ^k partem omnium mobilium suorum Concessimus etiam eisdem pro nobis et heredibus nostris quod nec nos nec heredes nostri aliquid perquiremus per quod libertates in hac carta contente infringantur vel infirmantur et si ab aliquo aliquid contra hoc perquisitum fuerit nichil valeat et pro nullo habeatur ^l Hiis testibus domino S. Cantuar' archiepiscopo E. London' ^m J. Bathon' P. Winton' H. Linc.' ⁿ B. Roffen' W. Wigorn' J. Elien' H. Hereford' R. Cicestr' ^o W.

V A R I A E L E C T I O N E S.

^e *deest* autem, R.

^f *deest* istas, O.TT.W.

^g observant, R.

^h *deest* libertatum, O.R.TT.W.

ⁱ episcopi, &c, et libere, P.

^k *deest* partem, R.

^l *Explicit Intratio* R.

^m episcopo J. Bathon' episcopo P. Wynton', O.TT.W.

ⁿ R. Sarr' B. Roffen'. D. R. Sarr'. W. Roffen', O.TT.W.

^o et W. Exon'. D.

Exon'

Exon' episcopis abbate sancti Edmundi ab-
 bate sancti Albani abbate de Bello abbate
 sancti Augustini Cant' abbate de Evesham'
 abbate de Westmon' abbate de burgo sancti
 Petri abbate de Rading' abbate de Abendon'
 abbate de ^p Maumbir' abbate de Winche-
 cumb' abbate de Hida abbate de Certes' ab-
 bate de Sireburn' abbate de Cern' abbate de
^s Abotebir' abbate de Middleton' abbate de
 Seleby 'abbate de Wyteby abbate de Cirenc'
 H. de Burg' justiciario ^s R. comite Cestr' et
 Linc' W. comite Sarr' W. comite Warenn'
 G. de Clar' comite Glouc' et Hertford' W.
 de Ferrar' comite 'de Derb' W. de Man-
 devill' comite Essex' H. le Bigod comite
 Norff' W. comite Aubemarl' ^u H. comite
 Hereford' Johanne constabulario Cestr' Ro-
 berto de Ros Roberto filio Walteri Roberto
 de Veteri Ponte Willielmo ^w Brigwerr' Ri-
 cardo de Munfich' Petro filio Herberti Ma-
 theo filio Herberti Willielmo de ^x Albinaco
^y Roberto Gressl' ^z Reginaldo de Brahus Jo-
 hanne de ^a Munem' Johanne filio Alani
 Hugone de Mortuo Mari Waltero de Bello

V A R I A E L E C T I O N E S.

- | | |
|---|--|
| ^p Malmesbury. O.TT.W. | ^w de Bruera. O.TT.W. |
| ^q Abbotsbury. O.T2S.W. | ^x Aubeny. TT. |
| ^r <i>desunt</i> abbate de Wyteby. O. | ^y Ff. de Gressly. O. Ff. Gressly. |
| TT.W. | TT.W. |
| ^s H. comite. O.TT.W. | ^z Ff. de Breus. O.TT.W. |
| ^t <i>desf</i> de. D.O.TT.W. | ^a Munemuth. O.W. Munemuc. |
| ^u W. comite. D. | TT. |

Campo

Campo Willielmo de sancto Johanne Petro de ^b Mala Lacu Briano de Infula Thoma de Muleton' Ricardo de Argentein Gaufrido de Nevill' Willielmo Mauduit Johanne de Baalun' ^c Dat' apud Westmon' undecimo die Februarii anno regni nostri nono ^d.

V A R I A E L E C T I O N E S.

^b Malo. O.TT.W.

^c et aliis Dat'. O.TT.W.

^d Nos autem donationes et concessiones predictas ratas habentes et gratas eas pro nobis et heredibus nostris concedimus et confirmamus easque tenore presentium innovamus volentes et concedentes pro nobis et heredibus nostris quod carta predicta in omnibus et singulis suis articulis perpetuum firmiter et inviolabiliter observetur etiam si aliqui articuli in eadem carta contenti hucusque forsitan non fuerint observati. O.TT.W.

[In cuius rei testimonium has litteras nostras fieri fecimus patentes T. Edwardo filio nostro apud Westm' duodecimo die Octobris anno regni nostri vicesimo quinto. T25.—Hiis testibus venerabilibus patribus R. Cantuar' archiepiscopo totius Anglie pri-

mate A. { Dunelm. O. . . . }
 { Dunelm. W. . . . }
 { Dunelm.episcopo.T28. }

R. London' R. Elyen' Th. Exon' W. Coventr' et Lychefeld' S. Sar' J. Roff' J. Norwycen' et J. Landaven' episcopis J. Lincoln' electo Johanne de Warenn' comite Surr' Thoma co-

mite Lancastr' Rogero le Bygod comite Norff' et marescallo Anglie Henrico de Lacy comite Lincoln' Radulpho de Monte Hermer comite Gloucestr' et Hertford' Humfrido de Bohun comite Hereford' et Essex' Guydone de Bello Campo comite Warr' Ricardo filio Alani comite Arundel' Reginaldo de Grey Johanne de Hastings Henrico de Percy Hugone le Despenfer Hugone de Vcer Roberto de Tateshale Hugone Bardolf Hugone de Curteney Johanne de Segrave Henrico de Grey Willielmo

{ le. O. . . . } Ros de Helmesleye
 { de. T28.W. }

Alano la Zusche Roberto de Tony Roberto de Monte Alto Willielmo de Breus Thoma de Furnivall Johanne

{ Engayne. O. . . . } Petro Corbet Willielmo de Leyburne Willielmo le Latimer Waltero de Bello Campo senescallo hospitii nostri Waltero de Hüntercumbe et aliis Dat' per manum nostram apud Westm' vicesimo octavo die Martii anno regni nostri vicesimo octavo. O.T28.W.]

{ Engaigne. T28.W. }



CARTA DE FORESTA
REGIS HENRICI III,

XI DIE FEBRUARII, MCCXXIV,

ANNO REGNI IX.

HENRICUS ^aDei gracia rex Anglie
dominus Hybernie dux Normannie
Aquitanie et comes Andegavie archiepif-

V A R I A E L E C T I O N E S,

desumptae ex Carta de Inspeximus, in Ecclesia cathedrali Dunelmensi asseruata, signantur Literis D, Insp. — ex Carta de Inspeximus, in Collegio Orielenfi, Litera O : — ex Rotulo Stat. 25 Ed. I. in Turri London. m. 38, 39. Litera et Numero T25 : — ex Rotulo Cart. 28 Ed. I. ibid. m. 6. Litera et Numero T28 : — ex utroque Rotulo, Literis TT.

^a EDWARDUS Dei gratia rex Anglie dominus Hybernie et dux Aquitanie [archiepiscopis episcopis abbatibus prioribus comitibus baronibus justiciariis vicecomitibus prepositis ministris et omnibus ballivis et fidelibus suis. D, Insp. O. — archiepiscopis &c justiciariis forestariis vice-

comitibus prepositis et omnibus ballivis et fidelibus suis presentem cartam inspecturis. T28. — omnibus ad quos presentes littere pervenerint. T25.] salutem Inspeximus cartam domini H. quondam regis Anglie patris nostri de foresta in hec verba
HENRICUS &c. D, Insp. O. TT.

copis

copis episcopis abbatibus prioribus comitibus baronibus justiciariis *forestariis* vicecomitibus prepositis ministris et omnibus ballivis et fidelibus suis presentem cartam inspecturis salutem Sciatis quod nos intuitu Dei et pro salute anime nostre et animarum antecessorum et successorum nostrorum ad exaltationem sancte ecclesie et emendationem regni nostri spontanea et bona voluntate nostra dedimus et concessimus archiepiscopis episcopis ^b comitibus baronibus et omnibus de regno nostro has libertates subscriptas tenendas in
 1 regno nostro Anglie imperpetuum Inprimis omnes foreste quas Henricus rex avus noster afforestavit videantur per bonos et legales homines et si boscum aliquem alium quam suum dominicum afforestaverit ad dampnum ^c illius cujus boscus ille fuerit deafforestetur et si boscum suum proprium afforestaverit remaneat foresta salva ^d communia de herbagio et aliis in eadem foresta illis qui prius eam habere consueverunt
 2 Homines vero qui manent extra forestam non veniant de cetero coram justiciariis nostris de foresta per communes summonitiones nisi sint in placito vel plegii alicujus vel ali-

V A R I A E L E C T I O N E S .

^b abbatibus prioribus comitibus.
 D,Insp.O.

^c ipsius. D,Insp.O.

^d communia. D,Insp.O.

quorum

quorum qui attachiati sunt propter forestam
 Omnes autem bosci qui ^e fuerint afforestati 3
 per regem Ricardum avunculum nostrum
 vel per regem Johannem patrem nostrum
 usque ad primam coronationem nostram sta-
 tim deafforestentur nisi sit dominicus boscus
 noster Archiepiscopi episcopi abbates prio- 4
 res comites barones milites ^f libere tenentes
 qui habent boscos suos in forestis habeant
boscos suos sicut eos habuerunt tempore pri-
 me coronationis regis Henrici avi nostri ita
 quod quieti sint imperpetuum de omnibus
^g purpresturis vastis et ^h effartis factis in illis
 boscis post illud tempus usque ad principium
 secundi anni coronationis nostre et qui *de*
cetero vastum vel purpresturam sine licentia
 nostra in illis fecerint vel ⁱ effartum de vastis
 purpresturis et ^k effartis respondeant Re- 5
 gardatores nostri eant per forestas ad facien-
 dum regardum sicut fieri consuevit tempore
 prime coronationis regis Henrici *avi nostri*
et non aliter Inquisitio vel visus de expedi- 6
 tatione canum existentium in foresta de ce-
 tero fiat quando fieri debet regardum scilicet
 de tertio anno in tertium annum et tunc fiat
per visum et testimonium legalium hominum et

V A R I A E L E C T I O N E S.

^e fuerunt. D, Insp. O. TT.^h affartis. D, Insp. O. TT.^f et libere. D, Insp. O.ⁱ affartum. D, Insp. O. TT.^g pupresturis. O.^k affartis. D, Insp. O. TT.

non

non aliter et ille cujus canis inventus fuerit tunc non expeditatus det pro misericordia tres solidos et de cetero nullus bos capiatur pro expeditatione¹ Talis autem^m fit expeditatio per affisam communiterⁿ quod tres ortelli^o abscindantur sine pelota de pede anteriori nec^p expeditentur canes de cetero nisi in locis ubi consueverunt expeditari tempore prime coronationis predicti regis Henrici avi nostri

7 Nullus forestarius vel bedellus de cetero faciat scotallas *vel colligat garbas vel avenam vel bladum aliquod vel agnos vel porcellos nec aliquam collectam faciat et per visum et sacramentum duodecim regardatorum quando^q facient regardum tot forestarii ponantur ad forestas custodiendas quot ad illas custodi-*

8 *endas rationabiliter viderint sufficere Nullum^r swanimotum de cetero teneatur in regno nostro nisi ter in anno videlicet in principio quindecim dierum ante festum sancti Michaelis quando agistatores nostri conveniunt ad agistandum dominicos boscos nostros et circa festum sancti Martini quando agistatores nostri debent recipere^s pannagium nostrum et*

V A R I A E L E C T I O N E S.

- | | |
|--|---|
| ¹ canum Talis. D,Insp.O. | ^p expiditentur. O. |
| ^m fiat. D,Insp.O.TT. | ^q faciunt. D,Insp. faciant. O. |
| ⁿ usitatam quod. D,Insp.TT. usitatem quod. O. | ^r swaynmotum. D,Insp.O. swainmotum. T28. |
| ^o abscindantur sive. O. abscindantur sive. D,Insp.TT. | ^s paunagium. D,Insp.O. |

ad ista duo ^t swanimota convenient forestarii
^u viridarii et agistatores et non alii per dis-
 trictionem et *tertium* ^w swanimotum teneatur
in initio quindecim dierum ante festum sancti
Johannis baptiste pro feonatione bestiarum
nostrarum et ad illud ^x swanimotum tenen-
 dum ^y convenient forestarii viridarii et non
 alii per distriktionem Preterea singulis qua-
 draginta diebus per totum annum convenient
 forestarii et viridarii ad ^z faciendum attachia-
 menta de foresta tam de viridi quam de ve-
 natione per presentationem forestariorum
 ipsorum et coram ipsis attachiatis Predicta
 autem ^a swanimota non teneantur nisi in comi-
 tatibus in quibus teneri consueverunt Unus- 9
 quisque liber homo agistet boscum suum
^b quem habet in foresta pro voluntate sua
 et habeat ^c pannagium suum Concedimus
 etiam quod unusquisque liber homo ducere
 possit porcos suos per dominicum boscum nos-
 trum libere et sine impedimento ad agistandum
 eos in boscis suis propriis vel alibi ubi volue-
 rit et si porci alicujus liberi hominis una
 nocte pernoctaverint in foresta nostra non

V A R I A E L E C T I O N E S.

^t swaynmota. D,Insp.O. swaini-
 mota. T28.

^u deest viridarii. T28.

^w x swaynmotum. D,Insp.O. swai-
 nimota. T28.

^y convenient. TT.

^z videndum. D,Insp.O.TT.

^a swaynmota. D,Insp. swainimo-
 ta. T28.

^b deest quem habet. D,Insp.O.
 TT.

^c paunagium. D,Insp.O.

G

inde

- inde occasionetur unde aliquid de suo perdat
 10 Nullus *de cetero amittat vitam vel membra*
pro venatione nostra ^d *set si quis captus fuerit*
 et convictus de captione venationis graviter
 redimatur si habeat unde redimi possit si au-
 tem non habeat unde redimi possit jaceat in
 prisona nostra per unum annum *et unum diem*
et si post unum annum et unum diem plegios in-
venire possit exeat de prisona sin autem ab-
 11 juret regnum Anglie ^e Quicumque archie-
 piscopus episcopus comes vel baro veniens
 ad nos ad mandatum nostrum transierit per
 forestam nostram *liceat ei capere unam bestiam*
vel duas per visum forestarii si presens fuerit
 sin autem faciat cornari ne ^f videatur furtive
 hoc facere Idem liceat eis ^g in redeun-
 12 do facere sicut predictum est Unusquisque
 liber homo de cetero sine occasione faciat in
 bosco *suo vel in terra sua quam habet in fo-*
resta molendinum vivarium stagnum marleram
fossatum vel terram arabilem extra cooper-
 tum in terra arabili ita quod non sit ad no-
 13 cumentum alicujus vicini Unusquisque li-
 ber homo habeat in boscis suis aereas anci-
 pitrum *espervariorum falconum aquilarum et*
^h *de heyrinis et habeat similiter mel quod in-*

V A R I A E L E C T I O N E S.

^d sed. D, Insp. O.^g deest in. D, Insp. O.^e Quicumque. TT. ⁱ^h heironum. D, Insp. TT. heyro-^f videat. O.

num, O.

ventum fuerit in boscis suis Nullus forestarius de cetero qui non sit forestarius de feodo firmam nobis reddens pro balliva sua capiat ⁱ cheminagium aliquod in balliva sua *forestarius autem de feodo firmam nobis reddens* pro balliva sua capiat ^k cheminagium videlicet pro ^l caretta per dimidium annum duos denarios et per alium dimidium annum duos denarios ^m et pro equo qui portat summagium per dimidium annum *obolum et per alium dimidium annum obolum* et non nisi de illis qui ⁿ de extra ballivam suam tanquam mercatores veniunt per licentiam suam in ballivam suam ad buscam ^o meremium corticem vel carbonem emendum et ^p alias ducendum ad vendendum *ubi voluerint et de nulla alia* ^q caretta vel summagio aliquo ^r cheminagium capiatur et non capiatur ^s cheminagium nisi in locis in quibus antiquitus capi solebat et debuit Illi autem qui portant ^t super dorsum suum buscam corticem vel carbonem *ad vendendum quamvis inde* vivant nullum de cetero dent ^u cheminagium Omnes ^v utlagati pro foresta ^x tantum a tempore

V A R I A E L E C T I O N E S.

ⁱ k chiminagium. D, Insp. O. T23.
^l caretta. D, Insp. O.
^m deest et. TT.
ⁿ deest de. TT.
^o maremium. D, Insp. O. macremum. T25. macremium. T23.
^p alius. O.

^q caretta. D, Insp. O.
^r s chiminagium. D, Insp. O. T23.
^t supra. D, Insp. O.
^u chiminagium. D, Insp. O. T23.
^v autem utlagati. D, Insp. O.
^x nostra tantum. T23.

regis Henrici avi nostri usque ad primam coronationem nostram veniant ad pacem nostram sine impedimento et salvos *plegios inveniant quod de cetero* non forisfacient nobis de foresta nostra Nullus ^y castellanus teneat placita de foresta sive de viridi sive de venatione set quilibet forestarius de feodo attachiet placita de foresta tam de *viridi quam de venatione* et ea presentet viridariis provinciarum et cum ^z inrotulata fuerint et sub ^a sigillis viridariorum inclusa presententur capitali forestario nostro cum in partes illas venerit ad tenendum placita ^b foreste et coram eo terminentur *Has autem* libertates de forestis concessimus omnibus Salvis archiepiscopis episcopis abbatibus prioribus comitibus baronibus militibus et aliis tam personis ecclesiasticis quam secularibus templariis ^c et ^d hospitalariis libertatibus et *liberis consuetudinibus in forestis* et extra in warrennis et aliis quas prius habuerunt Omnes autem ^e istas consuetudines predictas et libertates quas concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros omnes de regno nostro ^f *observent* quan-

V A R I A E L E C T I O N E S .

^y constabularius castellanus vel
alius teneat. D, Insp. O. TT.

^z inrotulata. D, Insp. O.

^a sigillo. TT.

^b de foresta et. D, Insp. O.

^c *desit* et. D, Insp. O.

^d hospitalariis. TT.

^e *desit* istas. D, Insp. O.

^f tam clerici quam laici observent.
D, Insp. O. TT.

tum

tum ad se pertinet erga suos Pro hac ^gigitur concessione et donatione libertatum istarum et aliarum ^hlibertatum contentarum in majori carta nostra de aliis libertatibus archiepiscopi episcopi abbates priores comites barones milites ⁱlibere tenentes et omnes de regno nostro dederunt nobis quintamdecimam partem omnium mobilium suorum Concessimus ^ketiam eisdem pro nobis et heredibus nostris quod nec nos nec heredes nostri aliquid perquiremus per quod libertates in hac carta contente infringantur vel infirmentur et si ab aliquo aliquid contra hoc perquisitum fuerit nichil valeat et pro nullo habeatur Hiis testibus domino S. Cantuar' archiepiscopo ^lR. London' J. Bathon' P. Winton' H. Lincoln' R. Sar' ^mB. Roffen' W. Wigorn' J. Elien' H. Hereford' R. Cicestr' W. Exon' episcopis abbate sancti Edmundi abbate sancti Albani abbate de Bello abbate sancti Augustini Cantuar' abbate de Evesham abbate de Westmon' abbate de burgo sancti Petri abbate de Rading' abbate de Abendon' abbate de ⁿMaumebir' abbate de Winhecumb' abbate de Hyda abbate de Certes' abbate de Sireburn' abbate

V A R I A E L E C T I O N E S,

^g autem. D, Insp. O. TT.

^h *desst* libertatum. O.

ⁱ et libere. D, Insp. O.

^k *desst* etiam. TT.

^l S. London' episcopo. T 28. E.

London' episcopo. D, Insp. O. T 25.

^m W. Roff'. O.

ⁿ Malmesbury. O. TT.

de

de Cern' abbate de ° Abotebir' abbate de
 Middleton' abbate de Seleby abbate de Wy-
 teby abbate de Cirencestr' H. de Burg' jus-
 ticiario R. comite Cestr' et Linc' W. comite
 Sarr' W. comite Warenn' G. de Clar' co-
 mite Gloucest' et Hertford' W. de Ferrar'
 comite de Derby W. de Mandevill' comite
 Effex' H. le Bigod comite Norff' W. comite
 Aubemarl' H. comite Hereford' Johanne
 constabulario Cestr' Roberto de Ros Roberto
 filio Walteri Roberto de Veteri Ponte Wil-
 lielmo ° Bigwerr' Ricardo de Munfich' Petro
 filio Herberti Mattheo filio Herberti Wil-
 lielmo de Albinacio Roberto Gress' Reginal-
 do de ° Brahus Johanne de ° Munem' Jo-
 hanne filio Alani Hugone de Mortuo Mari
 Waltero de Bello Campo Willielmo de sancto
 Johanne Petro de ° Mala Lacu Briano de
 Insula Thoma de Muleton' Ricardo de Ar-
 gentein Gaufrido de Nevill' Willielmo
 ° Mauduit Johanne de Baalun ° Dat' apud
 Westmon' undecimo die Februarii anno reg-
 ni nostri nono °.

V A R I A E L E C T I O N E S.

- ° Abbotsbury. O. Abbotsbir'.
 TT.
 p Bygwerr'. TT. de Bruera. O.
 q Breus. O.TT.
 r Monemue. TT.
 s Malo. D,Insp.O.TT.
 t Maudut et Johanne. TT.
 u et aliis Dat' D,Insp.O TT.
 w Nos autem donationes et con-

cessiones predictas ratas habentes et
 gratas eas pro nobis et heredibus nos-
 tris concedimus et confirmamus eas-
 que tenore presentium innovamus vo-
 lentes et concedentes pro nobis et he-
 redibus nostris quod carta predicta in
 omnibus et singulis suis articulis im-
 perpetuum firmiter et inviolabiliter
 observetur etiam si aliqui articuli in
 eadem

V A R I A E L E C T I O N E S.

eadem carta contenti hucusque forsit
 non fuerint observati. D, Insp. O.
 TT. [In cujus rei testimonium has
 litteras nostras fieri fecimus patentes
 Teste Edwardo filio nostro apud
 Westm' duodecimo die Octobris an-
 no regni nostri vicesimo quinto. T25.]
 Hiis testibus [venerabilibus patribus.
 T28.] R. Cantuar' archiepiscopo to-
 tius Anglie primate A. Dunelm [e-
 piscopo. T28.] R. London' R. Elyen'
 Th. Exon' W. Coventr' et Lychefeld'
 S. Sar' J. Ross' [J. Norwycen. D, Insp.
 O.—et. T28.] J. Landaven' episcopis
 J. Lincoln' electo Johanne de Wa-
 renn' comite Surr' Thoma comite
 Lancastr' Rogero le Byggod comite
 Norw' et marescallo Anglie H. de
 Lacy comite Lincoln' Radulfo de
 Monte Hermer comite Gloucestr' et
 Hertford' Humfrido de Bohun co-
 mite Hereford' et Essex' Guydone de

Bello Campo comite Warr' Ricardo
 filio Alani comite Arundel' Reginal-
 do de Grey Johanne de Hastings
 Henrico de Percy Hugone le Despen-
 ser Hugone de Veer Roberto de Ta-
 testhale Hugone Bardolf Hugone de
 Curteney Johanne de Segrave Henrico
 de Grey Willielmo { le. D, Insp. O. }
 { de. T28. . . }
 Ros de Helmesleye Alano la Zuskhe
 Roberto de Tony Roberto de Monte
 Alto Willielmo de Breus Thoma de
 Furnival Johanne [Engayne. D, Insp.
 O.—Engaigne. T28.] Petro Corbet
 Willielmo de Leyburne Willielmo le
 Latimer Waltero de Bello Campo
 senescallo hospitii nostri Waltero de
 Huntercumbe et aliis Dat' per ma-
 num nostram apud Westmonasterium
 vicesimo octavo die Martii anno regni
 nostri vicesimo octavo. D, Insp. O.
 T28.

CARTA CONFIRMATIONIS

REGIS HENRICI III,

XXVIII DIE JANUARIJ, MCCXXXVI,

ANNO REGNI XXI.

HENRICUS Dei gracia rex Anglie
dominus Hybernie dux Normannie
et Aquitanie comes Andegavie omnibus
Christi fidelibus presentem cartam inspectu-
ris salutem Sciatis quod intuitu Dei et pro
salute anime nostre et animarum antecesso-
rum et heredum nostrorum ad exaltationem
sancte ecclesie et emendationem regni nostri
concessimus et hac carta nostra confirmavi-
mus archiepiscopis episcopis abbatibus prio-
ribus comitibus baronibus militibus liberis
hominibus

hominibus et omnibus de regno nostro Anglie omnes libertates et liberas consuetudines contentas in cartis nostris quas eisdem fidelibus nostris fieri fecimus cum minoris essemus etatis scilicet tam in magna carta nostra quam in carta de foresta Et volumus et precipimus pro nobis et heredibus nostris quod prefati fideles nostri et successores et heredes eorum habeant et teneant in perpetuum omnes libertates et liberas consuetudines predictas non obstante eo quod predictæ carte confectæ fuerunt cum minoris essemus etatis ut predictum est Hiis testibus venerabilibus patribus E. archiepiscopo Cantuar' P. Winton' J. Bathon' R. Dunolm' R. London' W. Karl' W. Exon' R. Sarr' H. Elyen' R. Linc' R. Hereford' A. Coventr' et Lychefeld' episcopis W. Valenc' et W. Wygorn' electis R. comite Cornub' et Pictav' J. comite Cestr' et Huntendon' J. comite Linc' constabulario Cestr' G. Mariscallo comite Pembr' W. comite de Ferrar' W. comite Warenn' H. comite Kanc' H. comite Essex' et Hereford Simone de Monteforti Willielmo Lungesp' Willielmo de Ferrar' Willielmo de Vescy Ricardo de Percy Ricardo de Munfichet Willielmo de Ros Johanne Byset Gilberto de Umframvill' Willielmo de Lancastr' Willielmo de Cantilupo Waltero de Clifford Johanne Monem' Radulfo

Radulfo de Mortuo Mari Willielmo Mau-
duit Rogero la Zuch' Olivero de Vallibus
Gilberto Basset et aliis Dat' per manum
venerabilis patris R. Cycestr' episcopi can-
cellarii nostri apud Westmonaster' xxviii^o
die Januarii anno regni nostri vicesimo pri-
mo.



SENTENTIA EXCOMMUNICATIONIS

LATA IN

TRANSGRESSORES CARTARUM

REGIS HENRICI III,

XIII DIE MAII, MCCLIII,

ANNO REGNI XXXVII.

ANNO Domini MCC LIII iij^o idus
Maii in magna aula regis apud West'
sub presentia et assensu domini Henrici Dei
gratia illustris regis Anglie et dominorum
R. comitis Cornub' fratris sui R. comitis
Norff' et Suff' marescalli Anglie H. comitis
Heref' H. comitis Oxon' J. comitis War'
et aliorum optimatum regni Anglie Nos
B. divina miseratione Cant' archiepiscopus
totius Anglie primas F. London' H. Ely-
ens' R. Linc' W. Wygorn' W. Norwic' P.
Hereford'

Hereford' W. Sarr' W. Dunolm' R. Exon'
 S. Karl' W. Bathon' L. Roffens' Thom.
 Menevens' episcopi pontificalibus induti can-
 delis accensis in transgressores libertatum
 ecclesiasticarum et libertatum seu liberarum
 consuetudinum regni Anglie et precipue ea-
 rum que continentur in carta communium
 libertatum regni et carta de foresta excom-
 municationis sententiam solempniter tuli-
 mus sub hac forma Auctoritate Dei patris
 omnipotentis et patris et filii et spiritus
 sancti et gloriose Dei genitricis semperque
 virginis Marie beatorum apostolorum Petri
 et Pauli omniumque apostolorum beati Tho-
 me archiepiscopi et martiris omniumque
 martirum Dei beati Edwardi regis Anglie
 omniumque confessorum atque virginum
 omniumque sanctorum Dei excommunica-
 mus anatematizamus et a liminibus sancte
 matris ecclesie sequestramus omnes illos qui
 amodo scienter et malitiose ecclesias priva-
 verint vel spoliaverint suo jure Item omnes
 illos qui ecclesiasticas libertates vel antiquas
 regni consuetudines approbatas et precipue
 libertates et liberas consuetudines que in
 cartis communium libertatum et de foresta
 continentur concessis a domino rege archi-
 episcopis episcopis et ceteris Anglie prelati-
 comitibus baronibus militibus et libere te-
 nentibus quacunque arte vel ingenio viola-
 verint

verint infregerint diminuerint seu immutaverint clam vel palam facto verbo vel consilio contra illas vel earum aliquam in quocunque articulo temere veniendo Item omnes illos qui contra illas vel earum aliquam statuta aliqua ediderint vel edita servaverint et consuetudines introduxerint vel servaverint introductas scriptores statutorum necnon consiliatores et executores et qui secundum ea presumpserint judicare qui omnes et singuli superius memorati hanc sententiam incurfuros se noverint ipso facto qui scienter aliquid commiserint de predictis qui vero ignoranter nisi commoniti infra quindenam a tempore commonitionis se correxerint et arbitrio ordinariorum satisfecerint de commissis extunc sint hac sententia involuti Eadem etiam sententia innodamus illos qui pacem regis et regni presumpserint perturbare In cujus rei memoriam sempiternam nos signa nostra duximus apponenda.

NOVERINT universi quod dominus Henricus rex Anglie illustris R. comes Norff' et marescallus Anglie H. comes Hereford' et Essex' J. comes de Warrewic' Petrus

trus de Sabaud' ceterique magnates Anglie
 consenserunt in sententiam excommunica-
 tionis generaliter latam apud Westm' tertio
 decimo die Maii anno regni regis predicti
 xxxvij^o in hac forma scilicet quod vinculo
 prefate sententie ligentur omnes venientes
 contra libertates contentas in cartis commu-
 nium libertatum Anglie et de foresta et
 omnes qui libertates ecclesie Anglicane tem-
 poribus domini regis et predecessorum suo-
 rum regum Anglie optentas et usitatas sci-
 enter et maliciose violaverint aut infringere
 presumpserint et omnes illi qui pacem domini
 regis et regni perturbaverint et similiter om-
 nes qui jura et libertates regis et regni di-
 minuere infringere seu immutare presump-
 serint et quod omnes venientes contra pre-
 missa vel eorum aliqua ignoranter et legi-
 time moniti infra quindenam post monitio-
 nem premissam dictam transgressionem non
 emendaverint extunc predictae sententie ex-
 communicationis subjacebunt ita tamen quod
 dominus rex transgressionem illam per con-
 siderationem curie sue faciat emendari Sci-
 endum autem quod si in scriptis super ea-
 dem sententia a quibuscunque confectis seu
 conficiendis aliud vel aliter appositum vel
 adjectum fuerit aut articuli aliqui alii in eis
 contenti inveniantur dominus rex et predicti
 magnates omnes et communitas populi pro-
 testantur

tantur publice in presentia venerabilium patrum B. Dei gratia Cant' archiepiscopi totius Anglie primatis necnon et episcoporum omnium in eodem colloquio existentium quod in ea nunquam consenserunt nec consentiunt set de plano eis contradicunt Preterea prefatus dominus rex in prolatione prefate sententie omnes libertates et consuetudines regni nostri antiquas et usitatas et dignitates et jura corone sue ore proprio specialiter sibi et regno suo salvavit et excepit In cujus rei memoriam et in posterum veritatis testimonium tam dominus rex quam predicti comites ad instantiam aliorum magnatum et populi presenti scripto sigilla sua apposuerunt.

CARTA CONFIRMATIONIS

REGIS HENRICI III,

XIV DIE MARTII, MCCLXIV,

ANNO REGNI XLIX.

REX^a omnibus de comitatu Eborum salutem Cum propter hostilemurbationem habitam in regno nostro de unanimi assensu et voluntate nostra et Edwardi filii nostri primogeniti prelatorum comitum baronum et communitatis regni nostri pro

^a In MS, Cotton, Claud. D. II. 44. omnibus de comitatu Midd' salutem
fol. 137. sic legitur; HENRICUS Dei Cum, &c.
gratia rex Anglie et dux Aquitanie

regni

regni ipsius pace pro cuius securitate dictus
 Edwardus et Henricus filius Regis Alem'
 nepos noster obsides dati fuerunt concordi-
 ter sit provisum quod quedam ordinatio de
 unanimi assensu nostro prelatorum comitum
 ac baronum predictorum super nostro et
 regni nostri statu London' mense Junii anno
 regni nostri xl^o viij^o facta inviolabiliter ^b ob-
 serventur universitatem vestram scire volu-
 mus quod nos ordinationem ipsam et pacem
 et tranquillitatem regni bona fide observare
 et in nullo contravenire ad sancta Dei ewan-
 gelia juravimus hoc adjecto in eodem sacra-
 mento specialiter et expresse quod occasione
 factorum precedentium temporeurbationis
 aut guerre precedentis neminem occasiona-
 bimus aut inculpabimus de illis aut de parte
 illorum quos tanquam inimicos diffidavimus
 puta comites Leyc' et Glouc' et alios sibi
 adherentes ac barones seu cives nostros Lon-
 don' et quinque portuum nec alicui de pre-
 dictis dampnum faciemus aut fieri procura-
 bimus nec per ballivos nostros aliquatenus
 fieri permittemus Juravimus insuper quod
 ea omnia que pro liberatione dictorum filii
 nostri ac nepotis sunt provisum et sigillo nostro
 sigillata quantum ad nos pertinet inviolabi-

^b Sic in Rotul. In MS. Canon, observetur.

liter observabimus et ab aliis pro posse nostro faciemus observari Volentes et consentientes expresse quod si nos vel dictus Edwardus filius noster contra predictam ordinationem provisionem nostram seu juramentum quod absit in aliquo venire seu pacem et tranquillitatem regni nostri turbare seu occasione factorum precedentium temporeurbationis ac guerre precedentis aliquem de predictis aut de parte predictorum quos diffidavimus occasionare seu alicui de eis dampnum facere aut fieri procurare presumpserimus liceat omnibus de regno nostro contra nos insurgere et ad gravamen nostrum opem et opera dare juxta posse ad quod ex presenti precepto nostro omnes et singulos volumus obligari fidelitate et homagio nobis factis non obstantibus ita quod nobis in nullo intendant set omnia que gravamen nostrum respiciunt faciant ac si in nullo nobis tenerentur donec quod in hac parte transgressum fuerit seu commissum satisfactione congrua in statum debitum secundum predictorum ordinationis et provisionis nostre seu juramenti formam fuerit reformatum quo facto nobis sicut prius intendentes existant Et si aliquis alius de regno nostro contra predicta venire seu pacem et tranquillitatem regni nostri turbare presumpserit seu nobis vel Edwardo

Edwardo filio nostro aut alicui alteri contra predicta vel aliquod predictorum venientibus opem consilium consensum vel auxilium quoquo modo prestiterit si hoc notorium fuerit aut de hoc per considerationem consilii nostri et magnatum terre nostre convictus fuerit * sive non tam ipse quam heredes sui imperpetuum exheredentur et de terris et tenementis ipsorum fiat prout de terris eorum qui de feloniam convicti sunt secundum leges et consuetudines regni nostri fieri consuevit Ad hec de unanimi assensu et voluntate nostri Edwardi filii nostri prelatorum comitum baronum et communitatis regni nostri concorditer provisum est quod carte antike communium libertatum et foreste communitati regni nostri per nos dudum concessæ in quarum violatores ad petitionem nostram sententia excommunicationis dudum lata est et per sedem apostolicam specialiter confirmata necnon et omnes articuli de nostro et magnatum terre nostre communi assensu dudum provisum quos nuper apud Wigorn' existentes per singulos comi-

* Sic Rotulus, manifesto (ut videtur) mendo. In MS. Cotton. post verba convictus fuerit hæc clausula sequitur; de unanimi assensu nostro Edwardi filii nostri comitum baronum et com-

munitatis regni nostri provisum est et statutum quod corpus ipsius si inventum fuerit capiatur alioquin a regno nostro utlagetur et si inventus fuerit siue non, &c.

tatus sub sigillo nostro transmisimus inviolabiliter observentur imperpetuum ad quorum observationem sacramento ad sancta Dei ewangelia corporaliter prestito sponte nos obligavimus et omnes justiciarios vicecomites et quoscunque ballivos de regno nostro tam nostros quam aliorum simili sacramento volumus obligari ita quod nullus teneatur alicui ballivo obedire donec sacramentum prestiterit Et si quis contra cartas ipsas vel articulos predictos in aliquo venire presumpserit preter perjurii reatum et excommunicationis sententiam que incurret per considerationem curie nostre graviter puniatur Salvo in premissis prout decet privilegio clericali Et quia volumus quod hec omnia firmiter et inviolabiliter observentur universitati vestre firmiter injungendo ac precipiendo mandamus quatinus vos omnes et singuli predicta omnia et singula sicut superius scripta sunt faciatis teneatis et inviolabiliter observetis et ad ea omnia facienda tenenda et observanda ad sancta Dei ewangelia sacramento corporaliter prestito ad invicem vos obligetis In cujus rei testimonium cartas et ordinationes predictas cum presentibus literis patentibus vobis sub sigillo nostro transmittimus in comitatum nostrum sub custodia fidedignorum ad hoc electorum ad
rei

rei memoriam salvo custodiendas Contra quas ne quis ignorantiam pretendere possit in futurum ad minus bis in anno in pleno comitatu ipsas precipimus publicari ita quod fiat prima publicatio in proximo comitatu post instans festum Pasche secunda vero fiat in proximo comitatu post festum sancti Michaelis et sic deinceps fiat annuatim Volumus insuper quod salvis omnibus supradictis omnes alie ordinationes et articuli per nos et consilium nostrum haftenus provisum qui poterunt ad honorem Dei et ecclesie fidem nostram et regni nostri commodum observari inviolabiliter observentur et teneantur Ut autem premissa omnia et singula firma maneant et inconcussa reverendi patres episcopi per regnum nostrum constituti ad instantiam nostram sententiam excommunicationis fulminarunt in omnes illos qui contra premissa vel aliquid premissorum scienter venerint aut venire temptaverint cum effectu quorum jurisdictioni seu coercioni spontanea voluntate quantum ad premissa nos submitimus privilegiis nostris omnibus impetratis aut impetrandis seu proprio motu domini pape nobis concessis aut in posterum concedendis in hoc pure renunciantes prout in litteris super hoc confectis penes dictos prelatos residentibus plenius continetur In
cujus

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cujus rei testimonium has litteras nostras
fieri fecimus patentes Teste meipso apud
Westm'^d.

^d Sic explicit Rotulus. In MS. die Martii anno regni nostri xlix^o.
Cotton, hæc sequitur Clausula ; xiiij^o



STATUTUM DE MARLEBERGE,

S U B

REGE HENRICO III,

XVIII DIE NOVEMBRIS, MCCLXVII,

ANNO REGNI LII.

Capitulum quintum.

MAGNA carta in singulis suis articulis teneatur tam in hiis que ad regem pertinent quam ad alios et hoc coram justiciariis itinerantibus in suis itineribus et vicecomitibus in comitatibus suis cum opus fuerit demandetur et brevia versus eos qui contravenerint gratis concedantur coram rege vel coram justiciariis de banco vel coram justiciariis itinerantibus cum in partes illas venerint Similiter carta de foresta in singulis suis articulis teneatur et contravenientes per dominum regem cum convicti fuerint graviter puniantur modo supradicto.

CONFIRMATIO CARTARUM

REGIS EDWARDI I,

V DIE NOVEMBRIS, MCCXCVII,

ANNO REGNI XXV.

EDWARD par le grace de Dieu roi
dEngleterre seigneur dIrlaunde e ducs
dAquitanie a toutz ceuz qui cestes presentes
lettres verrount ou orrount saluz Sachiez
nous al honeur de Dieu e de seinte eglise e
au profist de tout nostre roiaume avoir
graunte pur nous e pur nos heysr ke la
graunt chartre de fraunchises e la chartre de
la foreste les queles feurent faites par com-
mun asent de tout le roiaume en le temps le
roi Hanry nostre pere soient tenues en touz
leur

leur pointz faunz nul blemissement E vo-
 lums ke meismes celes chartres desouz nos-
 tre seal soient envieez a noz justices ausi bien
 de la forest cume as autres e a toutz les vis-
 countes des counteez e a toutz nos autres
 ministres e a toutes noz cyteez par my la
 terre ensemblement ove noz brefs en les
 quieux ferra countenu kil facent les avaunt-
 dites chartres puplier e ke il facent dire au
 pueple ke nos les avums grauntees de tenir
 les en toutz leur pointz E a nos justices vis-
 countes e maires e autres ministres qui la
 loy de la terre desoutz nous e par nous ount
 a guier meismes les chartres en toutz lur
 pointz en pledz devaunt eux e en juge-
 mentz les facent alower cest a savoir la
 graunt chartre des fraunchises cume loi com-
 mune e la chartre de la forest solunc lasise
 de la forest al amendement de nostre pueple
 E volums ke si nuls jugementz soient do-
 nez desore mes encountre les pointz des
 chartres avaunt dites par justices e par nos
 autres ministres qui countre les pointz des
 chartres tienent pledz devaunt eux soient
 defez e pur nyent tenuz E voloms ke mie-
 mes celes chartres desoutz nostre seal soient
 envieez as eglises cathedrales parmi nostre
 roiaume e la demoergent e soient deus fiez
 par an lues devaunt le poeple E ke arce-
 vesques evesques doingnent sentences du
 graunt

graunt escumeng' ccountre touz ceauz qui ccountre les avauntldites chartres vendrout ou en fait ou en ayde ou en confai ou nul poynt enfreindrent ou encountre vendrout e ke celes sentences soient denunciez e pupliez deux foyz par an par les avantlditz prelas e si meismes les prelas evesques ou nul deux soient necgligentz a la denunciaciun fufdite faire par les arceevesques de Caunterbire e de Everwyk qui pur temps ferrount sicume covyent soient repris e distreinz a meismes cele denunciaciun fere en la fourme avauntldite E pur coe ke aukune gentz de nostre roiaume se doutent que les aides e les mises les queles il nous unt fait avaunt ces houres pur nos guerres e autres bufoignes de leur graunt e de leur bone volente en quele manere qe fez soient peussent tourner en servage a eux e a leur heys par coe quil ferroient autrefoyz trovez en roulle e ausint prises que unt este faites par my le roiaume par nos ministres en nostre noun avums graunte pur nous e pur nos heys que mes teles aydes mises ne prises ne treroms a coustume par nule chose qe soit fayte ou ke par roulle ou en autre manere pult estre trovee E ausint avums graunte pur nous e pur nos heys as arceevesques evesques abbees priours e as autre gentz de seint eglise e as countes e barouns e a toute
la

la communaute de la terre que mes pur nule
 bufoignie tieu manere des aydes mises ne
 prises de nostre roiaume ne prendrums fors
 ke par commun assent de tut le roiaume e
 a commun profist de meismes le roiaume
 sauve les auncienes aydes e prises dues e a
 coustumees E pur coe ke tout le plus de la
 communaute del roiaume se sentent dure-
 ment grevez de la male toute des leynes cest
 asaver de chescun sac de leyne quarante sous
 e nous unt prie ke nous les vousissums re-
 lesser nous a leur priere les avums pleine-
 ment relese e avums graunte que cele ne
 autre mes ne prendrums sauntz leur com-
 mun assent e lur bone volente sauve a nous
 e a nos heyrz la coustume des leynes peaux
 e quirs avaunt grauntez par la communaute
 du roiaume avaunt dit Et tesmoinaunce des
 quieux choses nous avums fait faire cestes
 nos lettres overtes Donees a Gaunt le quint
 jour de Novembre lan de nostre regne vin-
 tisme quint.

A R T I C U L I
S U P E R C A R T A S,
R E G I S E D W A R D I I,

VI DIE MARTII, MCCXCIX,

ANNO REGNI XXVIII.

PUR ceo qe les poyntz de la grant chartre des franchises & la chartre de la forest les quieus le roy Henri pere le roi qe ore est granta a soen poeple pur le pru de soen roiaume ne unt pas este tenuz ne gardez avant ces heures pur ceo qe peyne ne fust avant establie en les trespasseours contre les poyntz des chartres avantdites nostre seigneur le roi les ad de novel grante renovele e conferme et a la requeste des prelatz contes & barouns en soen parlement a Westmonster

monſter en quaremmes lan de ſoen regne
 vynt et utiſme ad certeine fourme & peyne
 ordene e eſtabli encontre tuz iceaus qe con-
 tre les poyntz des avantdites chartres ou nul
 poynt de eles en nule manere vendront en
 la fourme qe ſenſuit ceſt aſavoir Qe de ci
 enavant la grant chartre des franchiſes dEn-
 gleterre grantee a tote la commune dEngle-
 terre e la chartre de la foreſt en meſme la
 manere grantee ſoient tenues gardees e mein-
 tenues en cheſcun article & cheſcun poynt
 auſi pleynement come le roi lad grante re-
 novele & par ſa chartre conferme E qe
 celes chartres ſoient baillees a cheſcun viſ-
 cont dEngleterre deſoutz le ſeal le roi a lire
 quatre foiz par an devant le poeple en plein
 conte ceſt aſavoir a prochein conte apres la
 ſeint Michel al prochein conte apres le Noel
 al prochein conte apres la Paſqe et al pro-
 chein conte apres la ſeint Johan Et a celes
 deus chartres en cheſcun poynt & en cheſcun
 article de eles fermement tenir ou remedie
 ne fuſt avant par la commune ley ſoient
 eſlus en cheſcun conte par la commune de
 meſme le conte trois prodes hommes chi-
 valiers ou autres loiaux ſages & aviſes qui
 ſoient juſtices jures & aſſignes par les lettres
 le roi overtes de ſoen grant ſeal de oyr &
 determiner ſantz autre bref qe leur commun
 garant les plaintes qe ſe feront de touz iceaus

que vendront ou mesprendront en nul des
 ditz poyntz des avantdites chartres es con-
 tetz ou il sont assignes ausibien dedenz fran-
 chises come dehors e ausibien des ministres
 le roi hors de leur places come des autres et
 les plaintes oyes de jour en jour sanz delay
 les terminent sanz alluer les delais que sont
 allues par commune ley E que meismes
 ceaus chevaliers eient poer de punir touz
 ceaus que ferront atteintz de trespas fait en-
 contre nul point des chartres avantdites ou
 remedie ne fust avant par commune ley ausi
 comme avant est dit par enprisonement ou
 par ranceoun ou par amerciement selonc ceo
 que le trespas le demande Et par ceo nen-
 tent pas le roi ne nul de ceaux que fust a cest
 ordenement fere que les chivaliers avantditz
 tiegnent nul play par le poer que done leur
 ferra encas ou avant ces houres fust remedie
 purveu solonc la commune lay par bref ne
 que prejudice ensoit fet a la commune ley ne
 a les chartres avantdites en nul de leur
 pointz E voet le roi que si touz treis ne
 soient presentz ou ne purront as totes les
 foiz entendre a faire leur office en la fourme
 avantdite que deus des trois le facent E or-
 dene est que les viscontes e les baillifs le roi
 soient entendantz as les comandementz des
 avantdites justices en quantqe apent a leur
 office.

CARTA CONFIRMATIONIS

REGIS EDWARDI I,

XIV DIE FEBRUARII, MCCC,

ANNO REGNI XXIX.

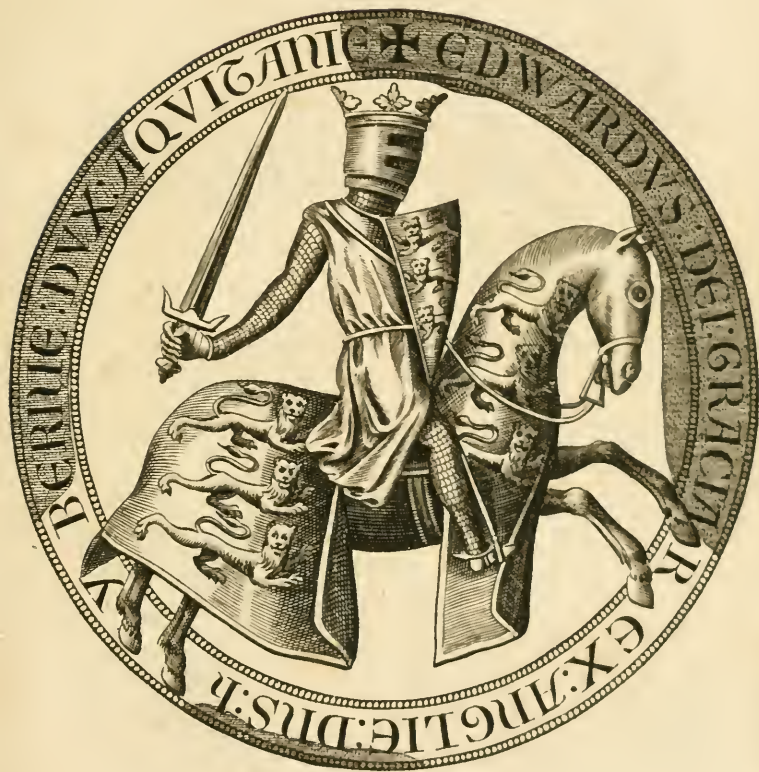
EDWARDUS Dei gratia rex Anglie dominus Hibernie et dux Aquitannie omnibus ad quos presentes littere pervenerint salutem Sciatis quod cum nos magnam cartam domini Henrici quondam regis Anglie patris nostri de libertatibus Anglie una cum carta de foresta concesserimus et confirmaverimus ac innovaverimus per cartam nostram preceperimusque quod carte ille in singulis suis articulis teneantur et firmiter observentur

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observentur volumus et concedimus pro nobis et heredibus nostris quod si que statuta fuerint contraria dictis cartis vel alicui articulo in eisdem cartis contento ea de comuni consilio regni nostri modo debito emendentur vel eciam adnullentur In cujus rei testimonium has litteras nostras fieri fecimus patentes Teste meipso apud Lincolniam quartodecimo die Februarii anno regni nostri vicesimo nono.







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